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These documents disclose the ability of the frontiersmen to assume the burden of self-government more rapidly and with fewer restrictions than the authors of the Ordinance had anticipated. The inhabitants of Indiana Territory petitioned Congress to make their government more democratic and their requests were granted in part. When, however, they could not persuade the national legislature to make particular modifications, they resorted to extra-legal procedures and finally escaped its few remaining restrictions by passing into statehood. The story of these developments adds a chapter to the history of the Northwest Ordinance and to the growth of American democracy.

This story, however, did not begin in Indiana but in the eastern extremities of the Ohio Valley when the frontier crossed the Appalachians during the American Revolution and the pioneers endeavored to erect their own governments in previously unoccupied lands. Requests for freedom from the eastern states, for admission to the Union, and for a government of their own making, such as was embodied in the Westsylvania petition, called attention to the wishes of the frontiersmen. The history of Watauga and Franklin demonstrated their procedure when necessity and opportunity coincided. After the Revolution, the westward migration increased in numbers and momentum, petitions and compacts multiplied, and the uncertainty of control over the Mississippi Valley made more urgent the respectful hearing of these demands.

As long as the petitions were directed to state governments, the frontiersmen were generally unsuccessful. When, however, the

Wesley Woollen, *et al.* (eds.), *Executive Journal of Indiana Territory, 1800-1816,* in *Indiana Historical Society Publications,* vol. 3 (1900); Jacob P. Dunn (ed.), *Slavery Petitions and Papers,* in *ibid.,* vol. 2 (1895); and John D. Barnhart (ed.), "The Letters of Decius," in *Indiana Magazine of History,* 43 (1947): 263-96. One very important source of information for the territorial period that does not lend itself to republication but which must be studied in connection with the above are the newspapers. They are available only in the Indiana Division, Indiana State Library, but fortunately they are available there in almost a complete file. They include the Vincennes *Indiana Gazette,* the Vincennes *Western Sun,* and the Lexington and Madison *Western Eagle.* These various materials give to the student a comprehensive knowledge of Indiana's contribution to the development of frontier democracy.

The action of the legislative assembly in its first session disproved the allegations of those who opposed the change in government and who asserted that there was not a sufficient number of men of talent to fill satisfactorily the new positions. The legislature simplified the county court system in a sensible manner, provided a court of chancery, and appointed a committee to codify the laws. Fees charged by ferries, mills, and taverns were regulated, and legal weights and measures were established. Less reasonable was the act which provided that Negroes could be brought to Indiana under a system of indenture and that the male children of such servants could be held to service until they were thirty years of age and the females until they were twenty-eight. Other measures provided a tax on land and the appointment of a territorial treasurer.

At the second session of the First Assembly the Governor congratulated the members upon the milder form of government under which they were then living, pointed to statehood as the goal to be attained, and invited them to obtain for their constituents "those political rights which circumstances have for a time suspended and which a considerable accession of population can alone restore." At a later date legislators pursued and obtained the latter without waiting for statehood which Harrison implied would be necessary.

The acts which this session adopted showed little evidence of a desire to secure self-government in advance of the plan embodied in the Ordinance. They provided for the incorporation of a university and of the Vincennes Library Company and for the protection of the brands of cattlemen. The sale of liquor to Indians near Vincennes was prohibited and the militia law was revised. Congress was requested by the legislature to set aside Article VI of the Northwest Ordinance which prohibited slavery. Unfortunately, the journal of this second session has not been preserved.

The Second Assembly of the Territory continued to work in co-operation with the Governor during its first session as had the previous Assembly, but there is evidence of a developing difference between them. Information about this would no doubt be more complete if the journals for this session had been preserved.

apportion the members for the next legislature and gave the authority to the Assembly thereafter.

The members of the Third Assembly were elected in April, 1810. They met in their first session November 12, and their action recorded a significant change in the territorial government. It was the first meeting of a legal legislature after the division of the Territory. The antislavery forces of the eastern part were relatively more influential than in any previous session. But even more important was the passing of the initiative in governmental affairs from the Governor to the legislature, a body which contained a majority that opposed the Governor's program. The Assembly proceeded to determine territorial policy. Three new counties were formed, representation in the legislature was apportioned, the date for the election of the territorial delegate was set, the indenture act was repealed, the law requiring servants of color to fulfill the contracts under which they entered the Territory was also repealed, and a plan was adopted to remove the capital from Vincennes. Not one of these bills was vetoed by the Governor, which seems to indicate that he realized that he could do little in opposition except in unusual situations. The initiative had passed to the legislature, the controversy in the press subsided, and the browbeating of Harrison's critics in the press also came to an end.

The legislature petitioned Congress to extend the suffrage to taxpayers and to make the office of sheriff elective rather than appointive. Congress responded by extending the franchise to free adult males who paid taxes and by making ineligible to membership in the Assembly any officer appointed by the Governor except justices of the peace and officers of the militia. The extension of the right to vote to taxpayers was not manhood suffrage, but it was a long step towards making the legislature truly representative of the people. It is unfortunate that the journals of this important session of the Assembly have been lost.

Harrison had not returned from the Battle of Tippecanoe when the third territorial legislature met in its second session, November 11, 1811. It sent General Washington Johnston to meet him and to carry its congratulations for his victory over the Indian followers of the Prophet and Tecumseh. The Governor's

DOCUMENTS PERTAINING TO FEBRUARY 1805 SESSION

Message from the Governor, February 4, 1805[9]

"Gentlemen of the House of Representatives

"As your House is alone competent to determine on the validy of the Election of its own Members I have thought proper to communicate to you a Report which has been made to me by the Judges of the late in Election in St Clair County for a Representative from that County by which it appears that after a very few votes had been given in the Judges & Clerks were grossly insulted, the polls forcibly taken & the Election entirely stoped by a Combination of factious & wicked men—I have also transmited a letter from the Candidate who had the highest number of votes at the time that the Polls were seized which will throw more light on the subject & will also shew that he has no intention of claiming a seat amongst you. It will rest with you gentlemen to determine upon the propriety of a new Election.

I have every reason to blieve that my Proclamation & the writ of Election which was sent to the County of Wayne did not reach the Seat of Justice of that County befor the Day for Holding the Election had passed— It ought not however on that account to be unrepresented in the Legislative Council and I have the fullest confidence that in your Nomination of the persons from whom the President is to select the Council the Interests of the Citizens of that Distant County will not be unattended to—

I have directed the Secretary to lay before you the Returns of the Elections from the several counties as far as they have been received.

[Endorsed:] Address of the Governor to the house of representatives Feby 4th 1805[10]

[9] From an autograph document in the English Collection, Indiana Historical Society Library.

[10] In reply to this message the House declared the election in St. Clair County null and void, and on April 18, 1805, the Governor issued a proclamation ordering a special election to be held in St. Clair County on May 20, to elect two representatives. This same proclamation announced the separation of Wayne County from Indiana Territory after

FIRST GENERAL ASSEMBLY
FIRST SESSION

July 29—August 26, 1805

JOURNAL OF THE HOUSE OF REPRESENTATIVES, OF THE INDIANA TERRITORY Begun and held in the Town of Vincennes, on Monday the 29th day of July, One thousand eight hundred & five.[1]

On which day, being the day appointed by the Governor of the Territory, for the meeting of the General Assembly—the following members appeared and took their seats, towit:—

From Dearborn	Jesse B. Thomas
from Clark	Davis Floyd
from Knox	Benjamin Parke John Johnson
from St. Clair	Shadrac Bond William Biggs.

The house proceeded to ballot for a Speaker, and upon counting the ballots there appeared for Jesse B. Thomas Four, Benja[min] Parke One, Jno Johnson One—Mr. Thomas was therefore declared duly elected. When he was conducted to the Chair, from whence he made acknowledgments to the house for the honor conferred on him, and recommended the observance & preservation of good Order and decorum.

The Honorable Henry Van der Burgh[2] who attended the house by request for that purpose, then administered the Oath's

[1] From the manuscript Journal in Archives Division, Indiana State Library, which covers the proceedings through August 17. The proceedings for August 1 and 2 are printed in the Vincennes *Indiana Gazette*, August 14, 1805. The editor, Elihu Stout, stated his intention of publishing the Journals of both houses in his paper, but it is impossible to know whether he carried out this plan as later issues of the *Gazette* for 1805 have not been found.

[2] Van der Burgh was at this time a judge of the General Court. He had been a resident of Vincennes since 1788 or earlier (he signed a marriage record there on January 21, 1788). Church of St. Francis Xavier, Register, 1788-1795, p. 65. He was appointed successively judge of Quarter Sessions, Knox County, 1791, member of the Legislative Council, Northwest Territory, 1799, and, on the formation of Indiana Territory, judge of the General Court, which, with the Governor, constituted the lawmaking body of the Territory until 1805. He served

Rules and Orders for conducting business in the House of Representatives of the Indiana Territory—[5]

Of the Speaker

1. The Speaker with two members of the house shall be sufficient to adjourn; to call a house and send for absent members; and make an Order for their censure or fine; and with a majority may proceed to business.

2. The Speaker shall take the chair every day at the hour to which the house shall have adjourned the preceding day; he shall immediately call the members to Order, and on the appearance of a majority, the Journal of the preceding day shall be read[*]

3. He shall preserve Order & decorum; may speak to points of Order in preference to other members, rising from his chair for that purpose; he shall decide questions of Order subject to an appeal to the house on request of any two members.

4. He shall appoint committees, subject to addition or alteration by a motion of any member of the house.

5. He may state the question sitting; but shall rise to put a question.

6. Questions shall be destinctly put in the following manner, towit, "All you who are of opinion that (as the case may be) say aye, all of the contrary Opinion say No."

[5] These rules and orders were based on those adopted by the House of Representatives of the Northwest Territory at their first session in 1799. The small size of the Indiana House necessitated various modifications and alterations. Only sections 25, 27, 30, and 38 are completely new. The following additional sections appear in the Rules and Orders of the House of the Northwest Territory: "Fifty-first. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its full discussion in a committee of the whole House.

"Firty-second. No sum or quantum of tax or duty voted by a committee of the whole House, shall be encreased in the House until the motion or proposition for such encrease shall be first discussed or voted in a committee of the whole House, and so in respect to the time of continuance.

"Fifty-third. All proceedings touching appropriations of money shall be first moved and discussed in a committee of the whole House." Northwest Territory, *House Journal,* 1799, pp. 12-16. Joint Rules and Orders of the House and Council appear in *ibid.,* 21-22.

7. If the Speaker doubts or a devision be called for, the house shall devide; those in the affirmative of the question shall first rise from their Seats, and afterwards those in the negative; and then the Speaker shall rise and state the decision of the house.

8. The Speaker shall not vote unless the house be equally devided; in that case he shall give the casting vote; except in the election of the Officers of the house or upon taking the Joint ballot of both houses for a representative to Congress, in those cases the Speaker shall vote.

Of Debate

9. When a member is about to speak in debate or deliver any matter to the House, he shall rise and respectfully address himself to Mr. Speaker.

10. If any member in speaking or otherwise transgress the rules of the house, the Speaker shall, or any member may, call to Order; and the member called to Order shall immediately sit down unless[*] permitted to explain; and the house if appealed to shall decide without debate; if the decision shall be in favour of the member called to Order, he shall be at liberty to proceed; if against him & the case require it, he shall be liable to the censure of the house.

11. When two or more members rise at Once, the Speaker shall name the person who is first to speak.

12. No member shall speak more than twice to the same question without leave of the house; nor more than Once until every member chosing to speak has spoken.

13. Whilst the Speaker is putting the question or addressing the house, no member shall walk across or out of the house; neither in such case or when a member is speaking, shall any entertain private discourse; nor whilst a member is speaking shall pass between him and the chair.

14. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

15. Every member who shall be in the house when the question is put, shall vote on the one side or the other, unless the house for special reasons, shall excuse him.

FELLOW CITIZENS OF THE LEGISLATIVE COUNCIL, AND OF THE HOUSE OF REPRESENTATIVES.

The sincerity of the congratulations which I offer you upon entering a grade of government, which gives to the people the important right of legislating for themselves, is sufficiently manifested by the ready sanction which I have given to their wishes and the promptitude with which the new organization has been effected. The lengthy investigation which preceded the final adoption of this measure upon the part of your constituents, proclaims it to be the result of deliberation and reflection, exhibits a temper & Judgment which does them great honour and which cannot fail to produce the most salutary effects. On you however it rests gentlemen to realize the wishes of those who were friendly to the second grade of government, to disappoint[*] the fears of its enemies, and to shew that every approximation towards a republican system must be attended with certain and solid advantages. Our means are however far from being equal to the support of an expensive establishment. It would be equally impolitic and unjust to tax the insipient exertions of the settlers with more than they could conveniently pay, and it would have the certain effect of diverting from us the tide of emigration, upon which is founded all our hopes of political emancipation.

Upon a careful review of our situation it will be found that we have great cause of felicitation whether it respects our present enjoyments or our future prospects. An enlightened and generous policy has for ever removed all cause of controversy with our Western neighbours. The mighty River which seperates us from the Lousianians will be never stained with the blood of contending nations, but will prove the bond of our Union, and will bear upon its bosom the commerce of one great & united empire. In a course of many thousand miles the astonished traveller will be-

not only in punctuation and spelling, but in arrangement, and the paragraph on the inspection of flour is omitted in Dawson. In the English Collection in the Indiana Historical Society Library there is a draft of the speech in Harrison's hand which agrees, with only slight variations, with the Journal reading. The message as printed in Cincinnati *Liberty Hall,* September 10, 1805, resembles that of the Journal. It is also printed in the Vincennes *Indiana Gazette,* August 14, 1805.

Ordered that Messrs. Parke, Bond & Fisher be appointed a committee, pursuant to the third resolution.

Ordered that Messrs. Parke, Biggs & Bond be appointed a committee, pursuant to the fourth resolution.

Ordered that Messrs. Parke, Floyd & Johnson be appointed a committee, pursuant to the fifth resolution.

Ordered that Messrs. Parke, Bond & Fisher be appointed a committee, pursuant to the sixth resolution.

Ordered that Messrs. Parke, Bond & Biggs be appointed a committee, pursuant to the seventh resolution.

A message from the council by Mr. Hurst their clerk "Mr. Speaker, I am directed by the Legislative Council to inform you, that they have considered the Rules referred to them from this house, and that they have concurred therein" and then he withdrew.

Mr. Parke from the committee appointed to examine the certificates & other cridentials of members returned to serve in this House; reported That the certificates and other cridentials of the following members are sufficient to entitle them to a seat in this House, towit,

From the County of St. Clair Shadrack Bond William Biggs

Whereupon Ordered that the said report be concurred with; and that the same lie on the Table.

And then the house adjourned until to-morrow morning nine o'Clock.[*]

Thursday August the 1st 1805.

Mr. Parke from the committee appointed on the 31st ult. to prepare an answer to the speech of the Governor to both houses of the Legislature, on the opening of the present session, Reported the following draught thereof, which he delivered in at the clerk's table, which was read & agreed to as follows:[18]

[18] The reply of the House is reprinted in Esarey (ed.), *Messages and Letters,* 1:159-60, from Dawson, *Harrison,* 77-78. Dawson edited the reply freely. It is printed also in the Vincennes *Indiana Gazette,* August 14, 1805, and in Cincinnati *Liberty Hall,* October 8, 1805, with variations in punctuation and capitalization, but no important changes.

The bill from the Legislative Council, for "regulating apprentices," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.

The bill from the Legislative Council for "authorising the Court of Common Pleas to appoint commissioners for the conveyance of land in certain cases," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.[*]

The Bill from the Legislative Council, for "the more easy acknowledgment of Deeds," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.

On motion, Resolved, that the Clerk of this House do inform the Legislative Council, that they are ready to receive them, agreeably to their request, the forenoon of this day.

And then the House adjourned until To-morrow morning, nine o'Clock.

Tuesday the 6th of August 1805.

Mr. Floyd from the Joint committee of inrolled bills, reported, that the committee had, according to order, Examined "an Act to prohibit the Sale of ardent Spirits, and other intoxicating liquors to Indians," and had found the same to be truly inrolled; Whereupon,

Mr. Speaker signed the said inrolled bill.

Ordered that the Clerk of this House do acquaint the Council therewith.

The bill from the Council "making Bonds assignable," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow

The Bill from the Council for "regulating Apprentices," was read the second time.

On motion, Ordered, that the said bill be[*] committed to a committee of the who[le] House To-morrow.

on Indian traders" and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Johnson reported that the committee had, according to order, had the said bill under consideration, and had made some amendments thereto, which he delivered in at the Clerk's table; where the same were severally twice read, and agreed to by the House

On motion, Ordered, that the said bill be engrossed for a third reading on Monday next.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "the act organizing Inferior Courts," which originated in this House, with some amendments, to which they desire the concurrence of this House." And then he withdrew.

On motion,[*] Ordered, that this House do adjourn until Three o'Clock this evening.

And then the House adjourned until three o'Clock this evening.

Saturday Evening 3 o'Clock P.M.

The Bill from the Council "to prevent the sale of intoxicating liquors to Indians," was read the first time.

On motion, Ordered, that the said bill be read a second time on Monday next.

The House proceeded to consider the the amendments made by the Council to the bill "Organizing Inferior Courts," Whereupon,

The amendments being severally twice Read at the Clerk's table,

The question was taken, that the House do concur with the amendments so made by the Council, And resolved in the affirmative.

Ordered, that the Clerk of this House do acquaint the Council therewith.

The House, according to the order of the day, resolved itself into a committee of the whole House on the Bill from the Council, "to authorise aliens to purchase & hold real estate, in this Territory," and after some time spent therein, Mr. Speaker resumed

states surrendered their claims to western lands to the Federal Government, a new day began to dawn. Before a national policy was formulated, Kentuckians began their long struggle to secure freedom from Virginia, a struggle which was not successful for many years. A similar contest was also being waged by Tennesseeans at the time the Congress was framing the Northwest Ordinance.

What the frontiersmen wanted must have been reasonably evident to Congress at this time. They hoped for government in which their laws and taxes would be adopted by representatives of their own choosing. They demanded that these representatives should be apportioned according to the number of the people and not according to geographical districts or wealth. They favored free manhood suffrage and the elimination of property qualifications for officeholding. They wanted the capitals of their states to be located in the geographical center of each so that poor roads would not handicap the representatives of one section more than another in reaching the legislature. Some of them would have eliminated slavery, increased western opportunities to share in educational benefits, and distributed more equitably money spent for internal improvements. In short, they wanted the things which the pioneers of the back country of the South Atlantic states had been trying unsuccessfully to secure.

But Congress did not accede to the wishes of the frontiersmen in respect to self-determination and democracy. The Ordinance of July 13, 1787, is rightly placed among the treasured state papers of the United States for it contained provisions that deserve the praise which they have received. But the Ordinance did not provide for territorial self-government. In contrast, it established the rule of governor, judges, and secretary, all of whom were appointed by the Congress or, after 1790, by the President and the Senate. The people did not participate in the government, either territorial or national, except to obey the laws or to petition for redress of grievances, and when the territorial judges acted as a general court, there was no appeal from their decisions.

When there were five thousand free adult males resident in the territory, they were to be granted a territorial assembly of two

houses. Members of the lower house were to be chosen from men who owned at least two hundred acres of land by voters who owned fifty acres or more. Councilors or members of the upper house were to be named by the President of the United States and confirmed by the Senate from a list of ten men who owned five hundred acres of land or more and who were nominated by the lower house. The governor possessed the power of absolute veto over the acts of the legislature. Obviously, the people participated in this government under carefully drafted restrictions. Had the frontiersmen been permitted to frame their own political institutions very different arrangements would have been made. Not until statehood was attained were they expected to acquire self-government.

The people of the Northwest Territory were subject to the unrepresentative type of government from July 15, 1788, to September 24, 1799, when the first legislative assembly met. During this time there were criticisms which alleged that the Judges were somewhat lax in the performance of their judicial duties, that high fees for governmental services which took the place of taxes were advantageous to the large landowners, and that the Governor and Acting Governor were very zealous in guarding their authority and were arbitrary in its use.

Although the legislative assembly of the second stage was not chosen by the mass of the people, the popular leaders were able to select William Henry Harrison as the delegate to Congress where he served to communicate to the national government the wishes of the people rather than those of the executive. Governor Arthur St Clair, however, used his veto power freely and further antagonized the Virginia element in the Territory. Failing to check the executive power or to obtain modifications in political organization, the popular leaders instituted a movement for statehood in order to secure more complete self-determination. In this they were vigorously opposed by the Governor and his friends. Only after they passed out of the territorial stage which they endured for fourteen years, could the people of Ohio enjoy self-government.

When the Northwest Territory was divided by an act of Congress of May 7, 1800, the western portion became Indiana Terri-

tory. The act provided that "there shall be established within the said Territory a Government in all respects similar to that provided by the ordinance" of 1787. William Henry Harrison was appointed governor by President John Adams.

Indiana was fortunate in its territorial governor. He was the third son of Benjamin Harrison and Elizabeth Bassett Harrison which made him a descendant of two distinguished Virginia families. He had had considerable experience on the Northwestern frontier where he was an aide-de-camp to Gen. Anthony Wayne during the campaign which culminated at Fallen Timbers. In civil life he had served as secretary of the Northwest Territory and later as the delegate to Congress, where, as chairman of the committee on public lands, he secured the passage of the land act of 1800 and was instrumental in bringing about the division of the Territory.

Whether or not he possessed the ability of Ninian Edwards, the governor of Illinois Territory, he was not a speculator or adventurer in troubled international complications as was William Blount, governor of the Territory South of the River Ohio. Although Harrison maintained the prerogatives of his office, his conduct was not as arbitrary as that of Arthur St. Clair and Winthrop Sargent who were governor and secretary respectively of the Northwest Territory. Possessed of a considerable degree of common sense, he believed in democracy at least within moderate limits, and seriously applied himself to the problems of his office. There was much criticism of his administration, some of which was sincere, but much of which had a political bias, and not a little was due to jealousy and personal antagonism. Endeavoring to satisfy everyone, he weighed the needs of the Indians, the aspirations of the white settlers, and the instructions of his superior officers. In like manner, the demands of the Illinois country were balanced against those of the eastern part of the Territory. All in all, he was a successful territorial governor whose administration witnessed a significant advance towards greater democracy in territorial government.

From the beginning the people of Indiana Territory were interested in political affairs. Many had had experience on previous

frontiers before coming to Indiana. When they were subject to the government of the Northwest Territory, they had objected to the cost of the second stage and had asked to be separated into a new territory. Shortly after their petition was granted, a request was made that they be advanced to the second stage and Governor Harrison was criticized for opposing it. Meanwhile, he called the extralegal and unofficial Vincennes Convention which gave to its members an excellent opportunity to make their wants known. The convention requested Congress to clear the lands in the southern part of the Territory of Indian claims, to sell it in small tracts and at a lower price, to grant pre-emption to landless residents, to carry out the promises of land grants to the early settlers, and to donate lands to encourage the building of roads, taverns, and educational institutions. It also asked that the property qualification for voting be repealed. Formal request was made and consent given by the convention to the suspension of Article VI of the Northwest Ordinance which prohibited slavery. Congress was urged to suspend it for ten years and to provide that the slaves brought into the Territory should remain slaves after the suspension ceased. The pronouncement on slavery has received more attention than the other requests of the convention, and it may have been more important in the minds of the delegates, but the convention itself and the sum of its demands represent a broad interest in the field of government.

Other petitions on various subjects from time to time give evidence of the continuation of this interest. When the Territory had been in existence four years, Harrison called an election in which the voters expressed their desire to pass into the semirepresentative form of government. The change was accompanied by a vigorous newspaper controversy, for Indiana now had a weekly paper, the Vincennes *Indiana Gazette* (1804-1806). Whether or not Harrison had encouraged the change is of small consequence, but the new legislative assembly was soon to introduce significant changes. The people, or at least the landowners, now had a voice in legislation. It should be noted here that on January 11, 1805, Indiana Territory was divided and Michigan Territory was created. At the time the first Assembly met, Indiana Territory

comprised five counties—Knox, Clark, and Dearborn, and the two in the Illinois country, St. Clair and Randolph.

At the beginning of the semirepresentative stage of territorial government, the Assembly and the Governor worked in harmony, for men who had favored the change were selected as members of both houses. The differences that were uppermost at the time tended to be concentrated on the wisdom or lack of wisdom of adopting the new type of government, and the majority at the election of representatives on January 3, 1805, supported the Governor. The representatives met in preliminary session on February 1 and chose ten names from which President Thomas Jefferson was to select the five members of the Legislative Council or the upper house of the Assembly. Since the President did not know any of the men nominated, he asked Harrison to make the selection. Naturally he chose men who would co-operate with him. When the two houses met in the first session of the First General Assembly of Indiana Territory, July 29 to August 26, the Governor appealed to the members to justify by their actions the change to the second stage and encouraged them to look forward to the day when a state government could be formed. He also warned them against the dangers of factionalism. It is not surprising that they responded to his appeal and that harmony generally prevailed.

The journal of the preliminary session of the lower house has not been found, but the "message from the Governor" and the "Memorial to Congress" which are printed in this volume indicate that some of the leaders in the Illinois country were unwilling to accept the semirepresentative stage of government. The journal of the House of Representatives which has been preserved for a part of the first regular session gives little evidence of division among the members but other documents reveal its existence. The choice of Benjamin Parke, a close friend of Harrison, as delegate to Congress was said to have been opposed by the William McIntosh faction. A "Memorial to Congress by Members of the General Assembly" was not adopted by the two houses but merely signed by some of the members. It was not signed by one antislavery member nor by the representatives from St. Clair County.

The action of the legislative assembly in its first session disproved the allegations of those who opposed the change in government and who asserted that there was not a sufficient number of men of talent to fill satisfactorily the new positions. The legislature simplified the county court system in a sensible manner, provided a court of chancery, and appointed a committee to codify the laws. Fees charged by ferries, mills, and taverns were regulated, and legal weights and measures were established. Less reasonable was the act which provided that Negroes could be brought to Indiana under a system of indenture and that the male children of such servants could be held to service until they were thirty years of age and the females until they were twenty-eight. Other measures provided a tax on land and the appointment of a territorial treasurer.

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The acts which this session adopted showed little evidence of a desire to secure self-government in advance of the plan embodied in the Ordinance. They provided for the incorporation of a university and of the Vincennes Library Company and for the protection of the brands of cattlemen. The sale of liquor to Indians near Vincennes was prohibited and the militia law was revised. Congress was requested by the legislature to set aside Article VI of the Northwest Ordinance which prohibited slavery. Unfortunately, the journal of this second session has not been preserved.

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Benjamin Parke was re-elected as territorial delegate to Congress, and an additional resolution was passed favoring the suspension of Article VI, both of which the Governor seems to have favored. He had appealed in his message for support of the national administration in the crisis caused by the Chesapeake-Leopard Affair and both houses made proper responses.

During the session, the revision of the laws which John Rice Jones and John Johnson had prepared was adopted. Additional legislation was also passed, which included an act revising the tax laws and another which prohibited the sale of arms to the Indians.

Two bills, however, were vetoed by the Governor and two members of the Council resigned. Members of the House were appointed to the vacancies, and in the elections to fill the House seats a contest arose between those favoring division of the Territory and those opposing, which was won by the divisionists. This was not propitious for the Governor since he opposed the formation of a new territory out of Indiana.

The divergence between the Governor and the legislature was further developed during the second session of the Second Assembly. Previously there seemed to be a general desire to work together in order to justify the advance to the semirepresentative type of government. But in this session the opponents of Harrison controlled the House of Representatives and the election of the delegate to Congress by the joint session of both houses. Only three members of the Council attended and one of the three, John Rice Jones, had quarreled with Harrison. A partisan alignment was quite evident.

The most important act of the session was the election of Jesse B. Thomas as delegate to Congress after he had agreed to support the division of the Territory. The House of Representatives also adopted a resolution instructing the delegate to secure the separation of the Ilinois counties from those east of the Wabash. Thomas' election deprived Harrison of the able and friendly services of Parke as an intermediary between himself and the national administration. When division was accomplished, he was forced to attempt a reorientation of his policy.

A second important development of the session was the report

delivered in the House by General Washington Johnston on the subject of slavery. He declared that the practice of bringing slaves into the territory and of holding them in slavery until they agreed to a contract of indenture was a violation of the Northwest Ordinance and that the admission of slavery to Indiana Territory would be "a retrograde step into barbarism." Under the influence of his words, the House of Representatives passed a bill to repeal the indenture law but the Legislative Council rejected it. The report is printed in the journal of the House of Representatives (see pp. 232-38) and is one of Indiana's important state papers.

The House also refused to follow the wishes of the Governor when it insisted that Samuel Gwathmey was no longer eligible to a seat in the Council because he had accepted an appointment by President Jefferson as register of the land office at Jeffersonville. Two names were recommended to the President for the choice of a successor. The House also petitioned Congress to take from the Governor the power to veto acts of the legislature and to prorogue and dissolve its sessions. Fortunately, the journals of both houses of this important session have been preserved.

Congress granted some of the wishes of the people as expressed in the petitions and resolutions of the Assembly and of the citizens. The Territory was divided by the creation of Illinois Territory, February 3, 1809. The delegate to Congress and the members of the Legislative Council, by an act of February 27, 1809, were to be chosen by the voters of the Territory and the Assembly was given the authority to apportion the membership of the lower house, which must be at least nine and not more than twelve in number. These measures changed the political situation significantly. Harrison's policies now had to be justified to the people living east of the Wabash where his proslavery actions were already unpopular. He may have faced a hostile majority in the new Indiana Territory, and the recent acts of Congress gave the people the power to control both houses of the Assembly and the delegate to Congress. Could he win their co-operation and support?

Before word was received in the Territory of the measures passed by Congress, a spirited contest between the friends and critics of Harrison had started outside the legislative walls. The

questions of the admission of slavery to the Territory and the constitutionality of the indenture act were argued pro and con in the Vincennes *Western Sun,* the successor of the *Indiana Gazette,* in a more vigorous manner than on any previous occasion. The discussion revealed considerable keenness on the part of some of the participants.

An election for choosing members of the House of Representatives was held on April 3, 1809. Word was then received that the Territory had been divided and Harrison realized that only four of the representatives just elected were from counties east of the Wabash and that the House must contain at least seven representatives. He issued a proclamation calling a new election to choose four additional members which he apportioned among the counties of Indiana Territory with its new boundaries. Information about the act of February 27 soon arrived, and he issued a second proclamation calling for the election of the councilors and the delegate at the time when the additional representatives were to be chosen, but he did not increase the number of representatives to nine as the act required.

A vigorous campaign for election as delegate was waged between Jonathan Jennings, the candidate of the "Popular Party," and Thomas Randolph, the candidate of the "Harrison Party." The former was victorious. The people, in petitions to the Federal government and in letters and resolutions published in the *Western Sun,* took sides in the contest and also favored or opposed the reappointment of Harrison to serve another term as governor of the Territory. Obviously, popular rule had been introduced into Indiana with much noise and agitation.

Out of the confusion came a "rump session" of the Assembly, which may not have been unwelcome to Harrison because he could attribute the embarrassment to what he considered the lack of wisdom shown in dividing the Territory. When the members of the Assembly met, October 16 to 21, 1809, a minority made up of Harrison's friends persistently insisted that the session was illegal. The members appealed to Congress to confirm their action in apportioning an additional member or to authorize the Governor to organize the legislature. Congress authorized the Governor to

apportion the members for the next legislature and gave the authority to the Assembly thereafter.

The members of the Third Assembly were elected in April, 1810. They met in their first session November 12, and their action recorded a significant change in the territorial government. It was the first meeting of a legal legislature after the division of the Territory. The antislavery forces of the eastern part were relatively more influential than in any previous session. But even more important was the passing of the initiative in governmental affairs from the Governor to the legislature, a body which contained a majority that opposed the Governor's program. The Assembly proceeded to determine territorial policy. Three new counties were formed, representation in the legislature was apportioned, the date for the election of the territorial delegate was set, the indenture act was repealed, the law requiring servants of color to fulfill the contracts under which they entered the Territory was also repealed, and a plan was adopted to remove the capital from Vincennes. Not one of these bills was vetoed by the Governor, which seems to indicate that he realized that he could do little in opposition except in unusual situations. The initiative had passed to the legislature, the controversy in the press subsided, and the browbeating of Harrison's critics in the press also came to an end.

The legislature petitioned Congress to extend the suffrage to taxpayers and to make the office of sheriff elective rather than appointive. Congress responded by extending the franchise to free adult males who paid taxes and by making ineligible to membership in the Assembly any officer appointed by the Governor except justices of the peace and officers of the militia. The extension of the right to vote to taxpayers was not manhood suffrage, but it was a long step towards making the legislature truly representative of the people. It is unfortunate that the journals of this important session of the Assembly have been lost.

Harrison had not returned from the Battle of Tippecanoe when the third territorial legislature met in its second session, November 11, 1811. It sent General Washington Johnston to meet him and to carry its congratulations for his victory over the Indian followers of the Prophet and Tecumseh. The Governor's

popularity was enhanced by his campaign, and the vigorous and almost constant criticism in letters published in the *Western Sun* all but ceased. A resolution was adopted by the legislature which expressed appreciation for his services, but harmony between the executive and legislative branches was not to prevail. The House insisted upon its own resolution which paid particular tribute to the bravery and efficiency of the regular troops under the command of Col. John P. Boyd, which was considered by some as an implied criticism of the Governor and the militia. A bill was passed to remove the capital from Vincennes to Madison, but the Governor vetoed it. The people of Jefferson County protested and petitioned Congress that the power of the absolute veto be taken from him. A measure to create a new county out of Knox County was also vetoed by the Governor with the suggestion that the boundaries as outlined in the bill be changed, but the House refused to make any changes and the measure failed.

The existence of two groups of members who put each other on record was indicated by a number of recorded roll calls in the House. Measures were passed to make the government more democratic. Resolutions were adopted requesting that the Territory be authorized to become a state and again asking that the office of sheriff be made elective rather than appointive, and a poll tax of fifty cents was passed which enabled a larger number of men to meet the tax requirements for the franchise. The most important measure of the session was the law which provided that the conduct of elections be placed in the hands of the judges of the Court of Common Pleas, that a voting place be opened in each township, and that voting should be by ballot. This contrasted with the previous procedure when the sheriffs who were appointed by the Governor conducted the elections and one poll only was opened in the county. The House also requested the reappointment of Harrison, and when the Council refused to join in the request, the representatives adopted a petition of their own.

The meeting of the Fourth General Assembly in its first session was delayed by the beginning of the war with Great Britain in 1812 Governor Harrison was with the troops in the Miami and Maumee valleys and on August 22, 1812, was ap-

pointed a brigadier general in the regular army. After relieving Fort Wayne from an Indian siege, he began preparations for the invasion of Canada. Consequently Gen. John Gibson, the secretary and acting governor, called the legislature into session. The journal of the House gives the definite impression that the legislative branch of the government was in the ascendancy, but General Gibson exercised the veto power on occasion. The Assembly proceeded to remove the seat of government from Vincennes to Corydon, to resolve that no man who favored slavery should be appointed governor of the Territory, and to pass a bill to prohibit the immigration of Negroes into the Territory, the last of which the acting governor vetoed. The Assembly also determined the time when it should meet again.

Assembling two months and a day after the Battle of the Thames, the second session of the fourth territorial legislature was occupied with a revision of the laws concerning the militia and with efforts to see that all men serving in the defense of the Territory should receive their proper remuneration. Old questions, such as the removal of the capital and the introduction of Negroes, were revived but no action was taken. Dissatisfaction was evident because the territorial officials had not removed their residence to the new capital, but no measures were passed requiring such removal, except a resolution applying to the secretary. The court system had not given satisfaction and the legislature passed a new judiciary act creating circuit courts which required the territorial judges to serve as president judges of a circuit. Realizing that the duties of the territorial judges had been defined by Federal law, the legislature requested Congress to pass an act requiring the judges to perform the duties which the territorial assembly had assigned them. Congress did not grant the petition, the judges did not act, and the court system ceased to function. This effort of the legislative branch to extend its control over another branch of government was therefore unsuccessful.

The Legislative Council, the members of which were apportioned in 1809, had become somewhat unrepresentative of the Territory because of the growth of population since that date. Governor Thomas Posey, who was named to succeed Harrison,

reapportioned the districts in which the councilors were to be elected. The Council protested to Congress that his action was illegal, and the committee of the House of Representatives agreed with the Council. Congress enacted a law which authorized the territorial House of Representatives to redistrict the Territory, and the Governor called the House in special session June 1, 1814, to carry out the above law. Three representatives, David Robb, of Gibson County, Daniel McClure, of Knox County, and Dennis Pennington, of Harrison County, opposed this action by the House and asserted that the Governor did not possess the authority to call the House without the Council. The first two of these men were included in the older Knox County which had been so influential in earlier days and their opposition seems to have been an effort to avoid further loss of influence. The eastern portion of the Territory had grown rapidly and six new counties had been created which would have remained unrepresented if reapportionment had not been adopted. Knox County had elected two of the five councilors and only one came from the eastern part of the Territory. After reapportionment, one was elected by Knox and Washington counties, and two were chosen in the eastern counties. The change gave the "Popular Party" a majority in the Council in addition to the majority it already possessed in the House.

The Fifth General Assembly of Indiana Territory met in two regular sessions, the first in 1814 and the second in 1815. At the end of the latter the House addressed Governor Posey in laudatory and somewhat exaggerated terms: "We particularly admire the calm, dispassionate, impartial conduct of your administration, which has produced the salutary effect of quieting the violence of party spirit, harmonizing the interest as well as feelings of the different parts of the Territory; and under your auspices, we have become as one people." What had happened was only partly due to the conduct of the Governor. In reality, the legislature had become the dominant branch of the government, and Posey lacked the spirit to oppose it.

The legislative business of these two years was generally routine, such as incorporating the budding towns and seminaries of learning. Occasionally the question of relocating the capital was

introduced. In the first session, two banks were incorporated, at Madison and Vincennes, respectively. Congress was requested to grant more time in which the citizens could make the payments due on land purchased from the national domain, to rescind back interest already due, and to sell land in quarter sections or to reduce the price on inferior lands. A census of the people was also provided in order that it might be known whether or not there were sufficient people to justify a petition for statehood. The judiciary system was again revised and circuit courts created which did not require the services of the territorial judges. Congress, also, took cognizance of the complaints about the latter and passed a law regulating their duties and reforming their procedure. Perhaps the territorial assembly had in some measure gained a point in respect to the General Court.

The final session of the territorial Assembly is chiefly important because it requested permission for the Territory to become a state. In this memorial, it declared: "we think it prudent at this time to express to the general government, our attachment to the fundamental principles of Legislation, prescribed by congress in their ordinance for the Government of this Territory, particularly as respects personal freedom and involuntary servitude, and hope that they may be continued as the basis of our constitution."

Congress replied to this request by authorizing the formation of a constitution and a state government and promising that the state should be admitted into the Union. The constitution was not to be repugnant to the articles of the Northwest Ordinance. This advance to statehood enabled the people to elect their own executive, to escape Congressional supervision of their local and state affairs, and to participate in national affairs. The people were anxious to attain complete local self-government and a real voice in the national government.

But it should not be overlooked that the territorial period had witnessed a development of democracy far beyond what was provided in the Northwest Ordinance. The Territory passed quickly from the unrepresentative to the semirepresentative type of government, the people from the beginning took a definite interest in political affairs, and the territorial legislature after proving its

competence began to assert its right to be heard. In a short time something very much like political parties appeared, one of which was representative of the executive and the other of his critics. The House of Representatives became identified with the latter and as it vigorously asserted the popular will, the executive began to fall in line and to occupy a less significant position in governmental affairs. Much of this developed by means of the legislature and the press through unofficial methods. Petitions, protests, and resolutions to Congress resulted in laws which were amendments of the Northwest Ordinance and which made the government more democratic. The delegate to Congress ceased to be an intermediator between the Governor and the national administration and became the leader of the opposition. The Council passed to popular control when it became subject to popular election. These changes in turn gave the legislature more confidence, and after Thomas Posey succeeded Harrison, there was little doubt that the legislative branch of the government was dominant. Democratization of the Northwest Ordinance was the achievement of Indiana Territory, an achievement which was to be enjoyed in some degree by later territories.

The legislative development and the victory of the popular party had another phase. The Governor and his friends tended to oppose the change and to try to attract settlers from the planter class of Kentucky and other southern states who would also be less democratic. To do this they sought to circumvent Article VI of the Northwest Ordinance and to legalize slave or semislave labor. This program the popular party in the legislature and through the press opposed and defeated. Planters were not encouraged to come to Indiana unless they freed themselves from slavery. The victory of the popular party meant that Indiana would not follow in Kentucky's footsteps but would maintain her stand against slavery, preserve her frontier institutions, and strive to preserve a democratic way of life.

JOHN D. BARNHART

JOURNALS

HOUSE OF REPRESENTATIVES
PRELIMINARY SESSION

Vincennes, February 1-7(?), 1805

[No official record of the proceedings of the preliminary session of the House of Representatives of Indiana Territory, following the advance of the Territory into the second or representative grade of government, has been found. The House met in accordance with the proclamation issued on December 5, 1804, by Governor William Henry Harrison, calling for an election of nine representatives, two from Knox County, one from St. Clair, one from Randolph, three from Wayne, one from Clark and one from Dearborn, the elected members to convene at Vincennes on February 1, to nominate persons to serve in the Legislative Council.[1]

[Jesse B. Thomas, of Dearborn County, was elected speaker. Others probably in attendance were Davis Floyd, of Clark County, and Benjamin Parke and John Johnson, of Knox County.[2] It is doubtful that there was a representative from Randolph County.[3] The absence of any representatives from St. Clair or Wayne

[1] *Executive Journal of Indiana Territory, 1800-1816,* edited by William Wesley Woollen, Daniel Wait Howe, and Jacob Piatt Dunn (Indiana Historical Society *Publications,* vol. 3, no. 3, Indianapolis, 1900), 125-26. Hereafter cited as Territorial *Executive Journal.*

[2] The fact that Floyd took the oath of office at the opening of the first session of the First General Assembly the following July (*post,* 29), may indicate that he was not in attendance at this session. Thomas, Parke, and Johnson did not take the oath in July, indicating that they had been previously sworn in. Biographical sketches of the Indiana men who served in this and other sessions of the territorial General Assembly are given *post,* Appendix II; sketches of the Illinois men appear in Francis S. Philbrick (ed.), *The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections,* vol. 21, Springfield, 1930, reprinted with supplementary Indiana material by the Indiana Historical Bureau, 1931), and are not repeated here. For a sketch of Jesse B. Thomas, member from Dearborn who later moved to Illinois, also see Philbrick.

[3] According to Philbrick (ed.), *op. cit.,* ccliii, George Fisher, representative from Randolph County in the First General Assembly which met on July 29, 1805, was not elected until May 20. No record of the Governor calling a special election in Randolph for May 20 has been found.

counties is explained by the message from the Governor given below.[4]

[Nominations made by the House for the Legislative Council were as follows:

Jean Francois Perrey and John Hay, St. Clair County
Pierre Menard, Randolph County
John Rice Jones and Jacob Kuykendall, Knox County
Samuel Gwathmey and Marston G. Clark, Clark County
Benjamin Chambers, Dearborn County
James May and James Henry, Wayne County[5]

[Jesse B. Thomas, the speaker, forwarded the list of nominees to President Jefferson whose duty it was to select five names to be approved by the U. S. Senate. On April 28 Jefferson wrote to Governor Harrison that as all the names were unfamiliar to him, he was sending to Harrison an instrument designating the five

[4] See *post,* 24, note 10, concerning the separation of Wayne County from Indiana Territory and the creation of Michigan Territory.

[5] Cincinnati *Liberty Hall,* March 19, 1805. For biographical sketches of Perrey and Hay, see Philbrick (ed.), *Laws, 1801-9,* pp. cclvii-viii.

Jacob Kuykendall was born in Hampshire County, Virginia, in 1770. He studied medicine in Virginia and moved to Vincennes in 1799, where he practiced until his death on September 5, 1833. He was named a trustee of Vincennes University by the General Assembly in 1806 (*ibid.,* 178), and also served several terms as trustee of the Borough of Vincennes. He served as coroner of Knox County from 1802 until 1810 (Tertorial *Executive Journal,* 109, 159). He may have been a member of the House of Representatives in 1806. See *post,* 109. In religion he was an Episcopalian. Notes in English Collection, Biographical File, Indiana Historical Society Library; Vincennes *Western Sun,* September 7, 1833.

James May, born in 1756, came to Detroit in 1778. He was a successful businessman, first as a trader and then as a manufacturer. He took the oath to become a citizen of the United States in 1796, and as judge in the newly organized Wayne County helped to establish law and order under the Jay Treaty. He died in 1830. Frederick Carlisle (comp.), *Chronography of the Notable Events in the History of the Northwest Territory and Wayne County* (Detroit, 1890), 52-53.

James Henry, a native of Lancaster, Pennsylvania, came to Detroit in 1797. He operated a store and tannery, and won local esteem and financial success. He was appointed a judge of the Wayne County courts in 1798 and again in 1803. He was also a member of the first board of trustees of Detroit, and president of the Bank of Detroit. He lost heavily in the Detroit fire in 1805 and never fully recovered. He died on December 29, 1812. Milo M. Quaife (ed.), *The John Askin Papers* (2 vols. Detroit, 1928, 1931), 2:305n.

who were to compose the Council, but leaving blanks "to be filled in by the Governor." His only reservation was that Harrison choose men who were honest and who were avowedly not Federalists. Land jobbers, he added, were undesirable.[6] On June 15 Harrison sent to Jefferson the names of the five whom he had chosen—Benjamin Chambers, Samuel Gwathmey, John Rice Jones, Pierre Menard, and John Hay. The first four served in the first Assembly, although their names were not forwarded to the Senate for approval until December 20, 1805. They were approved on December 23.[7]

[John Hay declined to serve and on August 9, 1805, during the first session of the Assembly, Harrison requested the House to nominate a successor. The House complied by naming Jean Francois Perrey and Shadrach Bond, Sr. The latter received Harrison's endorsement and was approved by the U. S. Senate on January 9, 1806.][8]

[6] Logan Esarey (ed.), *Governors Messages and Letters. Messages and Letters of William Henry Harrison (Indiana Historical Collections,* vols. 7 and 9, Indianapolis, 1922), 1:126-27.

[7] Clarence E. Carter (ed.), *The Territorial Papers of the United States* (vols. 1-, Washington, D. C., 1934-), 7:293-94. See also *ibid.,* 7:262, 274; U. S. Senate *Executive Journal,* 2:9, 10. The first Council met without its members having been approved by the Senate, but the legality of its acts were never questioned. Harrison had foreseen the possibility of the Assembly meeting before the Senate acted on the appointments, and sought a means to prevent it. On December 25, 1804, he wrote his friend Thomas Worthington, senator from Ohio, that "the election of the Representatives will take place on the 3rd of next Month & the meeting of the members to choose the Council on the 1st day of February hardly time enough to send on the nomination to the President before Congress will rise—if it does not get there in time I must beg the favor of you to get a clause inserted in some law (or a seperate law passed for the purpose) to authorise the president to make the selection of Councillors in the recess of the Senate—this is a matter of much importance to us & I must beg your particular attention to it—if the Members come on at the day appointed & the mail goes on to Washington without interruption the nomination of the Council will reach the President about the 26th of February—but you know that there are a thousand accidents to retard both the one & the other in passing through immense Wilderness—if we cannot get our Council organised before the next Session of Congress we cannot get a Delegate to that body until late next Winter." Harrison Papers, Indiana Historical Society Library.

[8] See *post,* 109; Esarey (ed.), *Messages and Letters,* 1:174, 187; U. S. Senate *Executive Journal,* 2:11, 13.

DOCUMENTS PERTAINING TO FEBRUARY 1805 SESSION

Message from the Governor, February 4, 1805[9]

"Gentlemen of the House of Representatives

"As your House is alone competent to determine on the validy of the Election of its own Members I have thought proper to communicate to you a Report which has been made to me by the Judges of the late in Election in St Clair County for a Representative from that County by which it appears that after a very few votes had been given in the Judges & Clerks were grossly insulted, the polls forcibly taken & the Election entirely stoped by a Combination of factious & wicked men—I have also transmited a letter from the Candidate who had the highest number of votes at the time that the Polls were seized which will throw more light on the subject & will also shew that he has no intention of claiming a seat amongst you. It will rest with you gentlemen to determine upon the propriety of a new Election.

I have every reason to blieve that my Proclamation & the writ of Election which was sent to the County of Wayne did not reach the Seat of Justice of that County befor the Day for Holding the Election had passed— It ought not however on that account to be unrepresented in the Legislative Council and I have the fullest confidence that in your Nomination of the persons from whom the President is to select the Council the Interests of the Citizens of that Distant County will not be unattended to—

I have directed the Secretary to lay before you the Returns of the Elections from the several counties as far as they have been received.

[Endorsed:] Address of the Governor to the house of representatives Feby 4th 1805[10]

[9] From an autograph document in the English Collection, Indiana Historical Society Library.

[10] In reply to this message the House declared the election in St. Clair County null and void, and on April 18, 1805, the Governor issued a proclamation ordering a special election to be held in St. Clair County on May 20, to elect two representatives. This same proclamation announced the separation of Wayne County from Indiana Territory after

Memorial to Congress[11]

February 7th 1805[12]

This House has learned with lively regret that certain discontented factious men are endeavoring to effect a division of this Territory and to attach the Western Counties, on the Mississippi, to upper Louisiana. It is understood they are, and have been petitioning the Congress of the United States to this purpose; that very improper means have been employed to obtain signatures to their memorials; and that to augment their numbers, small boys and the most worthless characters in the Country are permitted to subscribe to them. The reasons assigned for this measure are, the essential difference in the interests of the Western counties from the other parts of the Territory, and the distance of the Mississippi Country from, and the obstacles that exist in the communication with the seat of Government Vincennes, which, 'tis said, operate a serious injury to the inhabitants. It is true that the Settlements of the Territory are widely dispersed and five of them are unconnected with each other; but viewing them as they are situated from the Great Miami to the Mississippi, we cannot perceive that, with the exception of Detroit, there is any material difference in their respective interests, or most certainly not so much so as to render a separation, in the least, necessary. And it is not believed that any peculiar advantage is derived to any particular part of the Territory from its proximity to the seat of Government. If these reasons are Just, distinct Governments ought to be found for each distinct settlement; for they are all,

June 30, 1805, and its formation into a separate territory. It also provided that after June 30 the House of Representatives of Indiana Territory would consist of seven instead of nine members. The act of Congress dividing Indiana Territory and creating Michigan Territory had been approved January 11, 1805. Apparently word of this had not reached Vincennes when the House met in February. Territorial *Executive Journal,* 126-27; Carter (ed.), *Territorial Papers,* 10:5-7.

[11] Printed in Esarey (ed.), *Messages and Letters,* 1:173-74.

[12] This memorial was not forwarded by Harrison to the Speaker of the House of Representatives until November 15, 1805. Esarey (ed.), *Messages and Letters,* 1:172. See Carter (ed.), *Territorial Papers,* 7:342, for a letter from Harrison to the editors of the Vincennes *Western Sun* (printed in issue of February 13, 1806), denying certain charges attributed to Isaac Darneille relative to the forwarding of it.

except Detroit, nearly equidistant from each other. But the difficulties that now exist in the communication between the respective settlements will shortly be entirely removed. The Indian Titles to all the lands from Vincennes to the Ohio above the Great Falls, and down to the junction of the Wabash River with the Ohio and some distance West of the Wabash, and the Kaskaskia claim which comprehended a large portion of the tract of Country which lies between the Mississippi, Ohio, Wabash and Illinois Rivers have been lately purchased by the United States;[13] and the Measures that have been taken for the disposal of these lands will open the whole Country for settlement. The situation of the Territory, its climate productions and fertility of soil, afford the most flattering prospects of an immence influx of Emigrants, and that at no distant period all the settlements from the Great Falls of Ohio to the Mississippi will be connected with each other. But further —The people of the Territory have lately assumed the second or representative grade of Government. This measure will involve considerable expence and from the smallness of population will probably be a very serious burden; but if a division of the Territory takes place the evil will be very greatly augmented.

Therefore *Resolved* That detaching the Counties on the Mississippi from the Government of Indiana is inexpedient and derogatory to the Interests of the Territory, and that the speaker of this House do sign and request the Governor of this Territory to forward the above to the Congress of the United States.[14]

[13] By the treaty concluded August 18, 1804, at Vincennes, between the United States and the Delaware tribe, in which the Delawares ceded to the United States their claim to the land lying between the Wabash and Ohio rivers and the Indian road which led from Vincennes to the Falls of the Ohio. The Piankashaw relinquished their claim to the land by a treaty on the 27th. Charles J. Kappler (ed.), *Indian Affairs. Laws and Treaties* (2 vols. Washington, D. C., 1904), 2:67-68, 70-72.

[14] A memorial forwarded by citizens of Randolph and St. Clair counties to Congress was read in the House of Representatives on October 26, 1803, praying that, should the Louisianas be acquired by the United States, these two Illinois counties be annexed to the district of Upper Louisiana. The memorial was signed by over two hundred persons, Isaac Darneille's name heading the list. On November 24 the House committee to which it was referred reported unfavorably to the prayer of the memorialists. Carter (ed.), *Territorial Papers,* 7:140-45,

157-58; see also Mathew Lyon to John Edgar, November 4, 1803, in *ibid.,* 7:149.

On December 18, 1805, another memorial was received in Congress from the citizens of Randolph and St. Clair counties praying a division of Indiana Territory. The report on February 14, 1806, of the House committee to which this and other memorials from the Territory were referred was likewise unfavorable to a division. *Annals of Congress,* 9 Congress, 1 session, 297, 467; Jacob Piatt Dunn, *Slavery Petitions and Papers* (Indiana Historical Society *Publications,* vol. 2, no 12, Indianapolis, 1894), 482-92, 494-97.

Governor Harrison was not unaware of the project to annex the two Illinois counties to Louisiana. On October 28, 1803, only two days after the memorial from Darneille and others was read in the House of Representatives, he was writing to his friend Thomas Worthington: "It is generally supposed that what is called Upper Louisiana which extends (that is the Settlements) from Lanse le Grasse to the Missouri will be attached to this Territory . . . A most ridiculous scheme has been hatched in Kaskaskias i e to cut off the Counties of St. Clair and Randolph . . . & attach them to the Upper Louisiana—for the purpose of forming a Territorial Government of the two—there would then be left in this territory exclusive of Detroit about 4,000 inhabitants only & this settlement will be nearly as far from those on the Ohio as the counties in the Illinois are at present from this place—the only grievance they complain of is this distance from the seat of Governt. . . . . " Harrison Papers, Indiana Historical Society Library.

Benjamin Parke, elected territorial delegate to Congress by the first Assembly, went off to Washington with instructions to work against division. Elijah Backus, receiver of the land office at Kaskaskia, who went to the capital to lobby for the prodivisionists, accused Parke of thwarting his efforts to be heard by the House committee. Backus was in turn accused of making the trip wholly in his own interests with his expenses paid by inhabitants of Randolph and St. Clair counties. Vincennes *Western Sun,* September 5, 1807.

FIRST GENERAL ASSEMBLY
FIRST SESSION

July 29—August 26, 1805

JOURNAL OF THE HOUSE OF REPRESENTATIVES, OF THE INDIANA TERRITORY Begun and held in the Town of Vincennes, on Monday the 29th day of July, One thousand eight hundred & five.[1]

On which day, being the day appointed by the Governor of the Territory, for the meeting of the General Assembly—the following members appeared and took their seats, towit:—

From Dearborn	Jesse B. Thomas
from Clark	Davis Floyd
from Knox	Benjamin Parke John Johnson
from St. Clair	Shadrac Bond William Biggs.

The house proceeded to ballot for a Speaker, and upon counting the ballots there appeared for Jesse B. Thomas Four, Benja[min] Parke One, Jno Johnson One—Mr. Thomas was therefore declared duly elected. When he was conducted to the Chair, from whence he made acknowledgments to the house for the honor conferred on him, and recommended the observance & preservation of good Order and decorum.

The Honorable Henry Van der Burgh[2] who attended the house by request for that purpose, then administered the Oath's

[1] From the manuscript Journal in Archives Division, Indiana State Library, which covers the proceedings through August 17. The proceedings for August 1 and 2 are printed in the Vincennes *Indiana Gazette*, August 14, 1805. The editor, Elihu Stout, stated his intention of publishing the Journals of both houses in his paper, but it is impossible to know whether he carried out this plan as later issues of the *Gazette* for 1805 have not been found.

[2] Van der Burgh was at this time a judge of the General Court. He had been a resident of Vincennes since 1788 or earlier (he signed a marriage record there on January 21, 1788). Church of St. Francis Xavier, Register, 1788-1795, p. 65. He was appointed successively judge of Quarter Sessions, Knox County, 1791, member of the Legislative Council, Northwest Territory, 1799, and, on the formation of Indiana Territory, judge of the General Court, which, with the Governor, constituted the lawmaking body of the Territory until 1805. He served

of Office and to support the Constitution of the United States to the Speaker and Messrs. Bond, Biggs & Floyd, as members of this house.

The House then proceeded by ballot to the choice of a Clerk, and upon counting the ballots there appeared for General W. Johnston four and for Henry Hurst[3] two—Genl. W. Johnston was declared duly elected.

Abraham Defrance was unanimously elec[ted] & appointed Door keeper to this house.[*]

On Motion Ordered a Committee be appointed to examine and report to this house, upon the certificates & other cridentials of the members returned to serve in this house And a Committee was appointed of Messrs. Parke & Floyd.

On Motion Ordered that a Committee be appointed to prepare and report a set of Rules for the Government of this house, during the present Session And a committee was appointed, consisting of Messrs. Johnson, Bond & Parke.

as judge until his death on April 5, 1812. Vincennes *Western Sun,* April 25, 1812. See Philbrick (ed.), *Laws, 1801-9,* pp. xv-xvi, ccxxxv-vi, and sketches by Judge W. D. Robinson and Reverend Joseph H. Van der Burgh Somes in *Indiana History Bulletin,* extra number, December, 1925, pp. 76-88 and 89-93, respectively.

[3] Hurst served as clerk of the Legislative Council in the sessions of 1805, 1807, 1808, 1809, and 1810, and probably of 1806, also, though no proof has been found. He was born in Jefferson County (then Frederick County), Virginia, in 1769. Coming to Louisville, he studied law in the office of Benjamin Sebastian and then moved to Vincennes upon the organization of Indiana Territory. On January 14, 1801, he was appointed clerk of the General Court by Governor Harrison, which position he held throughout the territorial period. He was a good friend of Harrison. He was commissioned a major in the militia on February 6, 1801, and was attached to Harrison's staff as an aide.

Politically Hurst belonged to the pro-Harrison group, and opposed division of the Territory. Following the removal of the territorial capital to Corydon, he moved to near-by Jeffersonville. Later he served as clerk of the U. S. District Court at Indianapolis and as a state representative from Clark County, 1837-39. He rode by Harrison's side at the latter's inauguration as President in 1841. He died on January 1, 1855, at the age of eighty-five. Alfred Pirtle, *The Battle of Tippecanoe* (Filson Club *Publications,* no. 15, Louisville, 1900), 73-75; Territorial *Executive Journal,* 95, 101; Esarey (ed.), *Messages and Letters,* 1:627; Carter (ed.), *Territorial Papers,* 8:90-91.

On Motion Ordered that a message be sent to the Legislative Council,[4] informing them that this house having formed a quorum, are now ready to proceed to Legislative business; and that the Clerk of this house d[o] carry the said message.

Resolved, That unless otherwise Ordered, the daily hour to which this house shall stand adjourned, during the present session, be nine o'Clock in the forenoon—

And then the house adjourned until to-morrow morning, nine o'Clock.

Tuesday, the 30th of July 1805.

The house met according to adjournment.

Another member, towit, George Fisher from Randolph, appeared and took his seat.

On Motion Resolved that Mr. Benjamin Parke be appointed a Committee on the part of this house, jointly with such committee as may be appointed on the part of the Legislative Council, to wait on the Governor of the Territory,[*] and inform him that a quorum of the two ho[uses] is assembled and ready to receive any communication he may be pleased to make to them

Ordered that the clerk of this house do acquaint the council therewith.

Mr. Johnson from the committee, appointed for that purpose, reported a set of Rules for the Government of this house, which being received were twice read When

Upon Motion Ordered that after the words "The Speaker shall not vote unless the house be equally devided; in that case he shall give the casting vote" be amended by inserting "except in the election of the officers of the house or upon taking the Joint ballot of both houses for a representative to Congress, In these cases the Speaker shall vote"

On Motion To adopt the Rules as amended, they were agreed to as follows

[4] For the composition of the Council, see *ante,* 23. Pierre Menard was chosen president *pro tem.* of the Council and Henry Hurst, clerk. Cincinnati *Liberty Hall,* August 20, 1805.

Rules and Orders for conducting business in the House of Representatives of the Indiana Territory—[5]

Of the Speaker

1. The Speaker with two members of the house shall be sufficient to adjourn; to call a house and send for absent members; and make an Order for their censure or fine; and with a majority may proceed to business.

2. The Speaker shall take the chair every day at the hour to which the house shall have adjourned the preceding day; he shall immediately call the members to Order, and on the appearance of a majority, the Journal of the preceding day shall be read[*]

3. He shall preserve Order & decorum; may speak to points of Order in preference to other members, rising from his chair for that purpose; he shall decide questions of Order subject to an appeal to the house on request of any two members.

4. He shall appoint committees, subject to addition or alteration by a motion of any member of the house.

5. He may state the question sitting; but shall rise to put a question.

6. Questions shall be destinctly put in the following manner, towit, "All you who are of opinion that (as the case may be) say aye, all of the contrary Opinion say No."

[5] These rules and orders were based on those adopted by the House of Representatives of the Northwest Territory at their first session in 1799. The small size of the Indiana House necessitated various modifications and alterations. Only sections 25, 27, 30, and 38 are completely new. The following additional sections appear in the Rules and Orders of the House of the Northwest Territory: "Fifty-first. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its full discussion in a committee of the whole House.

"Firty-second. No sum or quantum of tax or duty voted by a committee of the whole House, shall be encreased in the House until the motion or proposition for such encrease shall be first discussed or voted in a committee of the whole House, and so in respect to the time of continuance.

"Fifty-third. All proceedings touching appropriations of money shall be first moved and discussed in a committee of the whole House." Northwest Territory, *House Journal,* 1799, pp. 12-16. Joint Rules and Orders of the House and Council appear in *ibid.,* 21-22.

7. If the Speaker doubts or a devision be called for, the house shall devide; those in the affirmative of the question shall first rise from their Seats, and afterwards those in the negative; and then the Speaker shall rise and state the decision of the house.

8. The Speaker shall not vote unless the house be equally devided; in that case he shall give the casting vote; except in the election of the Officers of the house or upon taking the Joint ballot of both houses for a representative to Congress, in those cases the Speaker shall vote.

Of Debate

9. When a member is about to speak in debate or deliver any matter to the House, he shall rise and respectfully address himself to Mr. Speaker.

10. If any member in speaking or otherwise transgress the rules of the house, the Speaker shall, or any member may, call to Order; and the member called to Order shall immediately sit down unless[*] permitted to explain; and the house if appealed to shall decide without debate; if the decision shall be in favour of the member called to Order, he shall be at liberty to proceed; if against him & the case require it, he shall be liable to the censure of the house.

11. When two or more members rise at Once, the Speaker shall name the person who is first to speak.

12. No member shall speak more than twice to the same question without leave of the house; nor more than Once until every member chosing to speak has spoken.

13. Whilst the Speaker is putting the question or addressing the house, no member shall walk across or out of the house; neither in such case or when a member is speaking, shall any entertain private discourse; nor whilst a member is speaking shall pass between him and the chair.

14. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

15. Every member who shall be in the house when the question is put, shall vote on the one side or the other, unless the house for special reasons, shall excuse him.

16. When a Motion is made & seconded, it shall be stated by the Speaker; or if it be in writing it shall be handed to the chair and read aloud by the clerk before debated.

17. Every Motion shall be reduced to writing, if the Speaker or any member desire it.

18. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in possession of the house; but may be withdrawn at any time before[*] a decision or amendment.

19. When a question is under debate, no motion shall be received unless to amend it; to commit it; or for the previous question; or to adjourn.

20. A motion to adjourn shall always be in Order and shall be decided without debate.

21. The previous question being moved & seconded, the question from the chair shall be "Shall the main question be now put," and if the noes prevail, the main question shall not then be put.

22. On the main question, no member shall speak more than once without leave.

23. Any member may call for a devision of the question, when the sense will admit of it.

24. A motion for commitment until it is decided, shall preclude all amendment of the main question.

25. Motions and reports may be committed at the pleasure of the house.

26. If a question be lost by adjournment of the house & revived on the succeeding day, no member who has spoken twice on the day preceding, shall be permitted again to speak, without leave.

27. Petitions, Memorials and other papers addressed to the house, may be presented by any member, who shall state to the house the contents thereof, which may be received, read & refered on the same day to the proper committee, if the house agree thereto.

28. Upon a call of the house for the yeas & nays on any question, the names of the members shall be called alphabetically.

29. Any member shall have a right to call for the yeas and nays, provided he shall request it before the question be put.[*]

30. No member shall name another member present, in debate.

Of Bills

31. Every Bill shall be introduced by motion for leave, or by Order of the house on the report of a Committee; and in either case, a committee to prepare the same, shall be appointed; and every such motion may be committed.

32. Every Bill, previous to its passage, shall undergo three readings, one on each day for three days, and free discussion allowed thereon; unless in cases of urgency the house by a concurrence of two thirds, shall deem it expedient and dispense with this rule.

33. The general question on the first reading shall be "Shall the Bill be read a second time."

34. On the second reading of the Bill, the Speaker shall state it ready for commitment or engrossment; and if committed, then the question shall be whether to a select committee or to a committee of the whole house; and the house shall determine on what day; But if the Bill be ordered to be engrossed, the house shall appoint a day when it shall be read a third time; and a Bill may be recommitted at any time before its passage.

35. Bills shall be engrossed in a plain round hand, and the style shall be "Be it enacted by the Legislative Council &c.

36. When a Bill passes it shall be certified by the clerk, who at the foot thereof shall note the day it passed.

37. The Bills not finally acted upon shall be taken up & read, beginning with the Bill in most forwardness, and persuing the same Order until they shall be gone through.[*]

38. Petitions and the reports of committees shall be given in before the business mentioned in the preceding rule shall have been entered upon or after the same shall have been disposed of.

Of Committees of the whole house

39. It shall be the standing Order of the day throughout the session for the house to resolve itself into a committee of the whole house on the State of the Territory; and in forming the committee

of the whole house, the Speaker shall leave his chair; and a chairman to preside in committee, shall be appointed by the Speaker.

40. Upon a bill being committed to a committee of the whole house, the same shall be first read through by the clerk; and then again read & debated by clauses, leaving the preamble to be last considered; after report the Bill shall again be subject to debate and amendment by clauses before question for engrossing it be taken.

41. All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

42. All questions whether in committee or in the house, shall be disposed of in the Order in which they were moved, except that in filling up the blanks, the largest sum and the most remote day shall be first put.

43. The rules of proceeding in the house, shall be observed in committee, so far as they may be applicable, except that of limmitting the time of speaking.

44. A majority of any committee shall be a sufficient number to proceed to business.[*]

45. That nine o'Clock in the morning be the standing Order of adjournment.

Joint Rules of both houses

1. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the clerk of each house respectively.

2. After a Bill shall have passed both houses, it shall be duly enrolled on paper, & under the signature of the clerk of the house—where the bill shall have originated, before it shall be presented to the Governor.

3. When bills are enrolled, they shall be examined by a Joint committee of one from the Legislative Council and one from the House of Representatives, appointed as a standing committee for that purpose—this committee shall examine and compare the enrolled with the engrossed bills, as they passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, and make their report forthwith to the respective houses.

4. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the house of representatives, and then by [the President] of the Legislative Council.

5. After a Bill shall have been thus signed in each house, it shall be presented by said committee to the Governor for his approbation, It being first endorsed on the back of the bill certifying in which house the same originated, which endorsement shall be signed by the clerk of the house in which the same did originate, and shall be entered on the Journal of each house; the said committee shall[*] report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each house.

6. All Orders and resolutions which are to be presented to the Governor for his approbation, shall also be previously examined & signed, and shall be presented in the same manner & by the same committee as is provided in cases of Bills.

7. Every Order, resolution or vote to which the concurrence of the Council shall be necessary, shall be read to the House & laid on the table on a day preceding that on which the same shall be moved, unless the house shall otherwise expressly allow.

8. When any papers which may come officially before either branch of the Legislature or any communications from the Governor, and are proper to be acted upon by both houses, the House before which such papers are laid, or to which such communications are made, shall as soon as they have acted on the same, lay them before the other House.

Of the Door keeper

The duty of the Door keeper shall be to notify the house of all messages from the Executive and Council—To carry all messages the house may require, private as well as publick—When any person requires him to call a member of the House, he shall call such member by name—He shall keep the House clean, and a good fire made therein by the hour of nine o'Clock in the morning, when the weather requires it.

It shall also be the duty of the[*] Door keeper to attend the House during its sitting; to execute the commands of the house

from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

A message from the Council by Mr. Hurst their clerk "Mr. Speaker, I am directed to inform this House, that the Council have formed a quorum, and are ready to proceed to business"— and then withdrew.

A message from the Council by Mr. Hurst their clerk "Mr Speaker, I am directed to inform this house, that the Council have appointed Mr. Gwathmey, as a committee of one on their part to wait upon the Governor" and then he withdrew.

On Motion Ordered That the Clerk of this house do make out a copy of the Joint Rules of both Houses, and hand them to the Council for their concurrence.

Mr. Benjamin Parke, from the Joint committee appointed to wait on the Governor of the Territory, and inform him, that a quorum of the two houses is assembled, and ready to receive any communications he may be pleased to make to them, reported, that the committee had, according to order, performed that service; and that the Governor signified to them, that he would make a communication to both Houses in writing, this day at Eleven o'Clock, in the forenoon, in the Representatives Chamber.

On Motion Ordered that the Clerk[*] of this House, do inform the Council, that this House is ready to receive them, in Order to receive the Governor's communication.

On Motion Ordered that the Seats to the left of the Speaker's chair, be appropriated to the use of the Council, while receiving the Governor's communication; and that the Clerk of this house, inform the Council thereof.

The members of the Legislative Council entered the Representative's Chamber and were seated on the left.

The Governor escorted by the Joint Committee, was conducted to the Speaker's chair, The Speaker being seated on the Right, from whence he addressed the General Assembly as follows[6]

[6] This message is printed in Moses Dawson, *A Historical Narrative of . . . William H. Harrison . . .* (Cincinnati, 1824), 71-76, and reprinted from there in Esarey (ed.), *Messages and Letters,* 1:152-59. There is considerable variation between the Dawson text and that of the Journal

FELLOW CITIZENS OF THE LEGISLATIVE COUNCIL, AND OF THE HOUSE OF REPRESENTATIVES.

The sincerity of the congratulations which I offer you upon entering a grade of government, which gives to the people the important right of legislating for themselves, is sufficiently manifested by the ready sanction which I have given to their wishes and the promptitude with which the new organization has been effected. The lengthy investigation which preceded the final adoption of this measure upon the part of your constituents, proclaims it to be the result of deliberation and reflection, exhibits a temper & Judgment which does them great honour and which cannot fail to produce the most salutary effects. On you however it rests gentlemen to realize the wishes of those who were friendly to the second grade of government, to disappoint[*] the fears of its enemies, and to shew that every approximation towards a republican system must be attended with certain and solid advantages. Our means are however far from being equal to the support of an expensive establishment. It would be equally impolitic and unjust to tax the insipient exertions of the settlers with more than they could conveniently pay, and it would have the certain effect of diverting from us the tide of emigration, upon which is founded all our hopes of political emancipation.

Upon a careful review of our situation it will be found that we have great cause of felicitation whether it respects our present enjoyments or our future prospects. An enlightened and generous policy has for ever removed all cause of controversy with our Western neighbours. The mighty River which seperates us from the Lousianians will be never stained with the blood of contending nations, but will prove the bond of our Union, and will bear upon its bosom the commerce of one great & united empire. In a course of many thousand miles the astonished traveller will be-

not only in punctuation and spelling, but in arrangement, and the paragraph on the inspection of flour is omitted in Dawson. In the English Collection in the Indiana Historical Society Library there is a draft of the speech in Harrison's hand which agrees, with only slight variations, with the Journal reading. The message as printed in Cincinnati *Liberty Hall,* September 10, 1805, resembles that of the Journal. It is also printed in the Vincennes *Indiana Gazette,* August 14, 1805.

hold on either bank a people governed by the same laws, persuing the same objects and warmed with the same love of liberty & science. And if in this immense distance, a small point should present itself where other laws & other manners prevail the contrast it will afford will serve the useful purpose of demonstrating the great superiority of a republican government and how far the uncontroled & unbiassed industry of freemen exceeds the cautious & measured exertions of the subjects of a despotic power.

The acquisition of Louisiana will indeed form an important epoch in the history of our country. It has secured the happiness of unborn millions who will bless the moment of their emancipation, and the generous policy which procured for them the rights of men. To us it has produced immediate & important[*] advantages. We can be no longer apprehensive of waging an eternal warefare with the numerous & war like tribes of aborigines which surround us, and perhaps of being reduced to the dreadful alternative of submitting to their depredations, or of totally extirpating them. By cutting off their communication with every foreign power and forcing them to procure from our selves their arms and ammunition & such of the European manufactures as habit has rendered necessary, we shall not only secure their entire dependence; but the means of ameliorating their own condition, and of diverting to some useful and beneficial purpose that ardour & energy which is now devoted to war & destruction.

The policy of the United States with regard to the savages within their limits forms a striking contrast to the conduct of other cevilized nations. The measures of the latter appear to be well calculated for the effect which has been produced, the utter extirpation of the unhappy people whose country they had usurped. It is in the United States alone that laws have been passed not only for their safety & protection from every species of injury; but considerable sums have been appropriated & agents employed to humanize their minds and to instruct them in such of the arts of civilized life as are adapted to their situation—to provide a substitute for the game which the extention of our settlements is rendering daily more scarce and from which they derive a pre-

carious support, has been considered as a sacred duty.[7] These humane & benevolent intentions of the Government will be however for ever defeated unless effectual means can be devised to prevent the sale of ardent spirits to these unhappy people. The law which has been passed by Congress for the purpose has been found entirely ineffectual, because its opperation has been construed to extend exclusively to the Indian country.[8] In calling[*]

[7] On February 27, 1803, President Jefferson, outlining his Indian policy to Harrison, wrote in part: "Our system is to live in perpetual peace with the Indians, to cultivate an affectionate attachment from them, by every thing just & liberal which we can do for them . . . and by giving them effectual protection against wrongs from our own people. the decrease of game rendering their subsistence by hunting insufficient, we wish to draw them to agriculture, spinning & weaving. . . . " Carter (ed.), *Territorial Papers,* 7:90. In the treaty concluded by Harrison the following August with the Kaskaskias, the United States agreed to take that decimated tribe "under their immediate protection." Besides making annuity payments, the government was to build a house for the chief, enclose a field of not more than one hundred acres for the use of the tribe, provide one hundred dollars annually for seven years for a priest for the tribe and three hundred dollars towards the building of a church. The Kaskaskias were also granted permission to hunt on the lands ceded to the United States as long as they remained in government hands. The next year in a treaty concluded by Harrison with the Delawares, provision was made for teaching the members of that tribe agriculture and domestic arts, and the government was to furnish them with horses, cattle, hogs, and agricultural implements. Kappler (ed.), *Laws and Treaties,* 2:67-68, 70-71. During the time the legislature was in session, the chiefs of the Delaware, Miami, Eel River, and Potawatomi tribes gathered at Vincennes in answer to Harrison's call for a council. The result was the Treaty of Grouseland concluded on August 21 by which the Indian title was extinguished to some two million acres in the south-central and eastern part of what is now Indiana. *Ibid.,* 2:80-82.

[8] Harrison refers to the act approved March 30, 1802, by which the President was authorized to take measures to prevent the sale of intoxicants to the Indians. U. S. *Statutes at Large,* 2:146. On July 20, 1801, Harrison had issued a proclamation forbidding the sale of liquor to Indians in the town of Vincennes. Following the passage of the act by Congress, Harrison, on instruction from the President, issued another proclamation (October 24, 1802), forbidding all traders to sell ardent spirits or intoxicating liquors to any Indian whatsoever. Failure to comply with this would mean the forfeiture of the trader's bond. Territorial *Executive Journal,* 102, 112-13. Further weight was given the power of the territorial government by a letter from the Secretary of War to Harrison, January 6, 1804, which stated explicitly that it was the opinion of the President that the territorial government had the power

your attention to this subject Gentlemen, I am persuaded that it is unnecessary to remind you that the third article of compact makes it your duty to attend to it.[9] The interests of your constituents, the interests of the miserable Indians and your own feelings will sufficiently urge you to take it into your most serious consideration and to provide the remedy which is to safe thousands of your fellow creatures.[10] You are witnesses to the abuses, you have seen our Towns crouded with furious & drunken savages, our streets flowing with their blood, their arms & cloathing bartered for the liquor which distroys them, and their helpless women & children enduring all the extrimities of Cold & Hunger. So distructive has been the progress of intemperance amongst them that whole villages have been swept away, and a miserable remnant is all that remains to mark the name & situation of many numerous & flourishing tribes. In the energetic language of One of their Orators it is "a dreadful conflagration which spreads destruction through their country, and which threatens the very existance of their race." It is then to be admitted as a political axiom that the neighbourhood of a civilized nation is incompatible with the existance of savages? Are the blessings of our republican Government to be felt only by ourselves? And are the

"to require restrictions on the sale of ardent spirits" in the intercourse between traders and Indians, and to make "such regulations as may be necessary . . . relative to the suppression of the undue use of Spiritous Liquors—The Territorial Government," he continued, "will therefore exercise such powers as they are invested with for the regulation of retailers &c for preventing un authorised persons from selling Spiritous Liquors—" Carter (ed.), *Territorial Papers,* 7:164.

9 The third article of the Northwest Ordinance which states that "laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them [the Indians], and for preserving peace and friendship with them—" *Ibid.,* 2:47.

10 Harrison had pressing practical as well as humanitarian reasons for urging the passage of such a law. The Delawares were demonstrating against the treaty of 1804 and John Gibson and Francis Vigo, sent to the villages on White River and the Wabash to invite the Delawares, Eel Rivers, and Miami to a council at Vincennes, reported that liquor was being distributed among them to prevent their coming. Harrison to Secretary of War, July 10, 1805, in Esarey (ed.), *Messages and Letters,* 1:147-51. See also *ibid.,* 1:29, 32, 53-54, 115; Carter (ed.), *Territorial Papers,* 7:287-88.

native tribes of North America to experience the same fate with their brethren of the Southern Continent? It is with you Gentlemen, to divert from these children of nature the ruin that hangs over them; nor can I beleive that the time will be considered mispent which is devoted to an object so consistent with the spirit of Christianity and with the principles of Republicanism.

In the examination of our statute laws which you will naturally make it will no doubt be found that there is much room for alteration and improvement. I presume however that the circumstances of the Territory are not such as to authorise[*] an entire change in the systems that are in operation. The formation of a new Code would be attended with an expence which our citizens are illy able to supply, and the advantages that would result from it would probably be more than counterbalanced by the financial embarrasments it might occasion. Some alterations are nevertheless necessary, and none more so, than in the organization of the Inferior courts of Judicature. As the Judges of those courts derive little or no emolument from their commissions,[11] in order to secure the attendance of a sufficient number for the transaction of business, I have been obliged to multiply them to an extent which precludes all hopes of an uniformity of decision. It is indeed not unfrequent that the Judges who detirmine are not those who have presided at the argument of a cause. Limited as are our finances and cautious as we must be of drawing from the people a single cent that can be dispensed with it is essentially necessary that an evil should be corrected that strikes at the root of one of the first objects of civil society.

The Militia law is much too complicated for the state of our Society & population.[12] A system which would embrace simplicity with energy would be highly desireable and would leave us nothing to apprehend from a rupture with our Indian neighbours. The importance of this subject is so manifest that I consider it unnecessary to press it upon your attention.

11 The judges were dependent upon their fees. See act of September 24, 1803, in Philbrick (ed.), *Laws, 1801-9,* p. 52.

12 The militia law of December 13, 1799, was still in force. See Theodore C. Pease (ed.), *Laws of the Northwest Territory 1788-1800 (Illinois Historical Collections,* vol. 17, Springfield, 1925), 418-43.

Excepting in the single instance of Horse stealing, for which the punishment ordained by our laws is entirely inadequate, our penal code appears to be as perfect [a]s our situation will admit. A considerable accession of population & riches must accrue to us before we shall be enabled to change the present sanguinary system for one equally preventive of crimes[*] and which by a just & humane discrimination apportions the punishment to the offence.[13]

From the construction I have put upon the Ordinance of Congress the erection of new counties will in future rest with the Legislature.[14] It is a power however which ought to be cautiously used, as the advantages produced by the exercise of it are often illusive or partial whilst the expence is certain and general.

The establishments of Inspections of Flour and such other articles of exportation as are subject to the frauds of avaricious & unprincipled men is essentially necessary to preserve the character of our productions in foreign markets.

[13] Horse stealing was not specifically mentioned in the law of 1788 dealing with crimes and punishment which was still in force. Penalties for larceny under the act were: first conviction—restoration of article and payment of its value to owner (twice the value without restoration), and a fine not exceeding twice the value of the article, or thirty-one stripes, at discretion of the court; second conviction—restoration and payment to owner as before; fine not to exceed four times the value of the article, and whipping not to exceed thirty-nine stripes. *Ibid.,* 326-27. On the criminal code in force in 1804, see David D. Banta, "The Criminal Code of the Northwest Territory," in *Indiana Magazine of History,* 9(1913): 239-42.

[14] The way to this conclusion was well marked. Governor St. Clair had read the Ordinance differently, maintaining his authority to erect counties in the Northwest Territory after the organization of an assembly. See William Henry Smith (ed.), *The St. Clair Papers . . .* (2 vols. Cincinnati, 1882), 2:477-78, 515-16, 516-23, 551, 555-56, 564, 567; Carter (ed.), *Territorial Papers,* 3:526-27, 528. Levi Lincoln, attorney general, was finally called upon by Jefferson for his construction of the paragraph of the Ordinance involved, and on February 2, 1802, committed himself with circumlocution and evident reluctance to St. Clair's point of view. *Ibid.,* 3:209-11. This opinion was passed over. Secretary of State Madison wrote St. Clair on June 23 that in continuing to lay out counties on his sole authority, he had "not pursued the construction put by the Executive on the Ordinance." *Ibid.,* 3:231. See also Philbrick (ed.), *Laws, 1801-9,* p. xix; Jacob Burnet, *Notes on the Early Settlement of the North-Western Territory* (Cincinnati, 1847), 322-23, and Appendix I, 496-97.

In the apportionment of the representatives amongst the several counties I have aimed at an impartial distribution; but as the documents from which my estimation was made are extremely defective, before another election shall take place, it is expedient that some plan should be devised for ascertaining the number of free male inhabitants in each subdivision of the Territory. It is beleived that the Militia returns under proper regulations might be made sufficiently accurate for the purpose, and this mode is further recommended from its superior cheapness.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

As the immediate Representatives of the people the controle of the finances is your peculiar province. It will be a difficult and delicate task to Realise a revenue which shall be adequate to the [ex]pences of the Government, without imposing too great a burden upon your constituents, and to appropriate with frugallity & economy the sums which must be chiefly drawn from [*] industry and improvement. Few indeed are the objects of taxation in a newly settled country, and some trifling embarrasments must be expected in the commencement of your financial operations;[15] These I trust however will be of momentary continuance. The Treasurer will lay before you an account of his Receits & Expenditures, from the commencement of the Government. If a considerable deficit is found to exist, It will be found also that not a six pence has been appropriated but what had for its object some public and important purpose.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

The progression of our Population in spite of all the embarrasments that have impeded it leaves us no room to doubt that when these embarrasments shall be removed the settlement and improvement of our country will correspond with its fertility & highly advantageous situation. A few months have already pro-

15 For a discussion of territorial finances, see Donald F. Carmony, "Indiana Territorial Expenditures, 1800-1816," in *Indiana Magazine of History,* 39(1943): 236-62.

duced the most favourable change in the aspect of our affairs. Our possessions compressed within the narrowest limits by the Indian Territory, have been enlarged to the extent of an empire, and the most contiguous & fertile parts opened for immediate Sale & settlement. The terms too are calculated to preclude every possibility of monopoly & speculation, and to give to the most indigent of our citizens the opportunity of attaining the enviable & independent situation of Freeholders.[16] The wisdom & liberality of our Government have been equally manifested in the disposition of their Salt Springs in our neighbourhood. In the lease which has been made of this very valuable property every Idea of pecuniary advantage has been abandoned,[*] and the reduction of the price of the Salt alone considered. It is with great satisfaction that I inform you Gentlemen that the experiment has been attended with complete success and that this indispensable article of domestic economy will never in future be subject to the disgraceful & distressing monopolies which have formerly prevailed.[17]

[16] A land office was established at Vincennes by act of March 26, 1804. The opening of the office on September 20 was announced by John Badollet, register, in the Vincennes *Indiana Gazette* of September 18, 1804. Harrison, as territorial delegate to Congress in 1800, had been instrumental in securing terms more favorable to the purchasers of public lands than those provided in the land act of 1796. Purchases might be made in half instead of whole sections or quarter townships; four years instead of one were allowed for completion of payments, and a year was to elapse after the date on which final payment was due before lands could be resold. Further concessions were allowed in the act of March 26, 1804, for the disposal of public lands in Indiana Territory. Lands might be purchased in quarter sections, and whereas the law of 1800 required the payment of interest at 6 per cent from the day of sale on the last three yearly installments, the act of 1804 provided that no interest be charged where payments were made when due. U.S. *Statutes at Large,* 1:464-69, 2:73-78, 277-83, 343-45. See Harrison to his constituents, May 14, 1800, in Esarey (ed.), *Messages and Letters,* 1:13-14; Dorothy Burne Goebel, *William Henry Harrison . . . (Indiana Historical Collections,* vol. 14, Indianapolis, 1926), 44-46; Clarence W. Alvord, *The Illinois Country, 1673-1818* (Springfield, Ill., 1920), 419.

[17] The valuable salt spring on Saline Creek below the mouth of the Wabash was ceded to the United States by the Indians at the treaty concluded on June 7, 1803. Kappler (ed.), *Laws and Treaties,* 2:64-65. The transfer of the saline had been authorized by the Indians in September, 1802 (Esarey [ed.], *Messages and Letters,* 1:56-57), and in December the Vincennes Convention included in its memorial to Congress for

Although our situation precludes us from a voice in the councils of the Union and from many other advantages which are enjoyed by our fellow citizens of the States, we must nevertheless rejoice in the unexampled prosperity of our parent country and the elevated rank she has attained among the nations of the earth. It is not however by the rank we may hold in the scale of wealth & power that the american citizen is pre-eminently distinguished. The blessings of civil & religious liberty are exclusively his own. In vain shall we search through the world for another Government whose only object is the happiness of the Governed, and whose only support the affections of the people.

By a compact which is coeval with the establishment of Civil Government North West of the Ohio, the right of being admitted as soon as our Growth shall be matured into the great family which compose the American Union, is firmly secured to us. Let us unite our exertions fellow citizens to hasten a consummation which is to restore to us all our political rights and to place us in the elevated station of a free, sovereign & independent state equal to our sister states in dignity and rights and not inferior I trust in the love of liberty & zeal for the common interest. If Wisdom & unanimity should preside in our councils a very few years will[*] accomplish this important object: But if on the contrary dissensions and discord should spring up amongst us, if local prejudices and local politics should prevail and banish those liberal expanded sentiments which can forego a partial advantage for the benifit of a community, then are we unworthy of the exalted station that awaits us, and our present colonial government is perhaps the best calculated for our happiness. I am however well persuaded Gentlemen that your deliberations will produce a different result and that the candour and liberality which marked your conduct

the suspension of the sixth article of the Ordinance of 1787, a request that the management of the salt springs be vested in the Governor, for the use of the Territory (*ibid.,* 1:65). This was refused (*ibid.,* 1:75), and the saline was leased by the United States. George W. Smith, "The Salines of Southern Illinois," in Illinois State Historical Society, *Transactions,* 1904, pp. 247-48. According to Cincinnati *Liberty Hall,* May 19, 1806, the saline was being conducted with spirit and success. Several thousand bushels of salt had been accumulated, and the price of salt materially reduced.

in private life and which pointed you out to the notice of your fellow citizens will be equally manifested within these walls.

You may rely with confidence upon my co-operation in every measure which is calculated to promote the Interests of the Territory and I fervently supplicate the supreme ruler of the world to crown your labours with honor to yourselves and advantage to your constituents.—

INDIANA TERRITORY, 30th July 1805.

WILL: HENRY HARRISON."

The Governor then retired, attended by the Joint Committee. The members of the Legislative Council then withdrew to their Chamber, and the Speaker of this House resumed the Chair.

On Motion Ordered that the Governor's address delivered this day, be referred to a committee of the whole House on the State of the Territory.

And then the House adjourned until to-morrow morning nine o'Clock.[*]

Wednesday July the 31st 1805.

The House according to order, resolved itself into a committee of the whole House on the state of the Territory; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had, according to order, had the state of the Territory under consideration, and come to the following resolution thereupon, which he delivered in at the clerk's table, where the same were read as follows:

Resolved, That it is the opinion of this committee that a respectful address ought to be presented by the house of Representatives to the Governor of this Territory in answer to his speech to both houses of the Legislature at the commencement of this session, containing assurances that this House will duly attend to the important objects recommended by him to their consideration

The House proceeded to consider the said resolution at the clerk's table; and the same being again read, was agreed to by the House.

On Motion Ordered that a Committee be appointed to Draft the said address: and the same was appointed consisting of Messrs. Parke, Johnson & Fisher

The House again resolved itself into a committee of the whole House on the state of the Territory; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had, according to order, had the state of the Territory under consideration, and came to several resolutions thereupon, which he delivered in at the clerk's Table, where the same were read[*] as follows:

1. *Resolved,* that so much of the Governor's address as relates to the sale of ardent spirits to the Indians, be refered to a select committee.

2. *Resolved,* that so much of the Governor's address as regards the Organization of courts and administration of Justice, be refered to a select committee

3. *Resolved,* that so much of the Governor's address as relates to an improvement of the Militia System, be refered to a select committee.

4. *Resolved,* that so much of the Governor's address as relates to the establishment of offices of Inspection for flour and other articles of exportation from this Territory, be refered to a select committee.

5. *Resolved,* that so much of the Governor's address as refers to the criminal laws of the Territory, be referred to a select committee.

6. *Resolved,* that so much of the Governor's address as recommends ascertaining the number of free male inhabitants in the Territory, be referred to a select committee.

7. *Resolved,* that so much of the Governor's address as relates to the finances and of raising a revenue for the support of the Government, be referred to a select committee.

The House proceeded to consider the said resolutions at the Clerk's table; and the same being again read, were agreed to by the House.

Ordered that Messrs. Parke, Bond & Biggs be appointed a committee pursuant to the first resolution[*]

Ordered that Messrs. Parke, Floyd & Johnson be appointed a committee, pursuant to the second resolution

Ordered that Messrs. Parke, Bond & Fisher be appointed a committee, pursuant to the third resolution.

Ordered that Messrs. Parke, Biggs & Bond be appointed a committee, pursuant to the fourth resolution.

Ordered that Messrs. Parke, Floyd & Johnson be appointed a committee, pursuant to the fifth resolution.

Ordered that Messrs. Parke, Bond & Fisher be appointed a committee, pursuant to the sixth resolution.

Ordered that Messrs. Parke, Bond & Biggs be appointed a committee, pursuant to the seventh resolution.

A message from the council by Mr. Hurst their clerk "Mr. Speaker, I am directed by the Legislative Council to inform you, that they have considered the Rules referred to them from this house, and that they have concurred therein" and then he withdrew.

Mr. Parke from the committee appointed to examine the certificates & other cridentials of members returned to serve in this House; reported That the certificates and other cridentials of the following members are sufficient to entitle them to a seat in this House, towit,

From the County of St. Clair Shadrack Bond William Biggs

Whereupon Ordered that the said report be concurred with; and that the same lie on the Table.

And then the house adjourned until to-morrow morning nine o'Clock.[*]

Thursday August the 1st 1805.

Mr. Parke from the committee appointed on the 31st ult. to prepare an answer to the speech of the Governor to both houses of the Legislature, on the opening of the present session, Reported the following draught thereof, which he delivered in at the clerk's table, which was read & agreed to as follows:[18]

[18] The reply of the House is reprinted in Esarey (ed.), *Messages and Letters,* 1:159-60, from Dawson, *Harrison,* 77-78. Dawson edited the reply freely. It is printed also in the Vincennes *Indiana Gazette,* August 14, 1805, and in Cincinnati *Liberty Hall,* October 8, 1805, with variations in punctuation and capitalization, but no important changes.

"To the Governor Of the Indiana Territory

Accept sir, the thanks of the House of Representatives for the speech you made to both Houses of the Legislature on the opening of the present session. In it we discern the solicitude for the future happiness and prosperity of the Territory which has been uniformly evinced by your past administration.

We feel a pleasure correspondant with that which you express for the happy change which has taken place in our form of Government; The system is still very imperfect; but we beleive solid and essential advantages will result to the Territory from the representative grade.

We consider the acquisition of Louisiana highly important, not only to the Interests of the Western people, but to the U. States in general; while it has greatly enlarged our boundary, it has secured to us the peace and freindship of the neighbouring Indian tribes and removed a danger justly to be apprehended from its being possessed by a powerful and ambitious European nation.

We hope neither party animosity nor local prejudice will influence our deliberations; although our settlements are widely dispersed, our respective[*] interests are the same, and we know no cause, that ought to excite disunion among us.

We look forward with peculiar satisfaction to the period, when our population will enable us to assume the dignity of a free and independant State: From the measures that have been taken by the general Government for the extinguishment of Indian claims and for the settlement of the Territory, we have the fairest prospects of a speedy & an immense increase in our population, and we will readily concur in any measure that will have a tendency to promote and effectuate our political emancipation.

To prevent the sale of ardent spirits among the Indians; To form a more perfect system of of courts of Judicature; To improve the militia system; to revise and correct in part the criminal laws; and to devise ways and means for raising a revenue adequate to the exigencies of the Territory, without oppressing our fellow citizens, are objects of the utmost importance; them, with the other subjects recommended to our consideration will receive all the attention to which they are intitled respectively; and from

your uniform zeal, in whatever relates to the Interests of the Territory we have no doubt of your cordial co-operation."

JESSE B. THOMAS, Speaker. H. Rep:"

On Motion Ordered that a committee be appointed to wait on his Excellency the Governor, and know at what Hour and at what place it will be convenient for him to receive the address of this house, in answer to his speech. And the same was appointed, consisting of Messrs. Floyd & Johnson.[19]

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates[*] to finances and of raising a revenue for the support of the Government, Reported according to order, "a bill for the appointment of a Treasurer and for the regulation of his office," which was received & read the first time.[20]

On Motion, Ordered that the said Bill be read a second time to-morrow.

Mr. Parke from the said committee farther reported, "a bill for levying & collecting a Tax on Land," which was received & read the first time.

On Motion, Ordered that the same Bill be read a second time to-morrow.

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to the organization of courts & the administration of Justice, reported in part, "a bill for the organization of a court of chancery," which was received & Read the first time.

On Motion, Ordered that the said bill be read a second time To-morrow.

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to the criminal laws of this

[19] The reply of the Legislative Council to the Governor's message is printed *post,* 101.

[20] A law providing for the appointment by the governor of a territorial treasurer had been adopted at the first meeting of the Governor and Judges in 1801. William McIntosh had been holding the office since that time. The bill introduced here did not pass, but another providing for both an auditor and treasurer, became a law. The new office of territorial auditor was filled by the appointment of Peter Jones on September 5. Philbrick (ed), *Laws, 1801-9,* pp. 16-17; Territorial *Executive Journal,* 101, 129.

Territory, made report thereon, which being twice read, was agreed to as follows

"That it is the opinion of your committee the punishment annexed to the offence of horse stealing is too mild to have the effect desired, in as much as property in horses is highly, and in many instances the most, valuable to possessors of any other kind of property; and besides no property can be so easily stolen, and when stolen, so dificult of being reclaimed.[*]

The same reasoning will apply to the crime of hog stealing.

It is beleived by your committee that some alterations ought to be made in the law respecting vice and immorality, or so much thereof as relates to profane swearing, drunkeness and the use of billiard tables.[21] In the two first cases, the law is too generally neglected to render it of any use in correcting either the morrals or manners of their citizens. They could wish that some modifications or distinctions might be made and that the law should only operate where these offences when committed publickly as in churches, courts of Justice or in the presence of magistrates with an intention to insult and outrage their feelings and the decency and order in society.

Your committee could wish that a milder punishment was applied to the crime of polygamy. The punishment of death streatches beyond the crime.[22]

In relation to the crime of Rape[23] your committee considers

[21] Penalties under the act of December 2, 1799, were: for each "profane curse, damn, or oath," a fine of fifty cents to two dollars, or, where the fine could not be collected, two days hard road labor; for conviction of drunkenness commitment to jail for not longer than forty-eight hours; for gambling at billiards, a fine of three dollars for each offence; for maintaining a billiard table for public use, a fine of fifty dollars and forfeiture of the table." Pease (ed.), *Laws of the Northwest Territory,* 377-78, 380-81.

[22] The death penalty for bigamy was fixed in an act adopted from the Virginia code November 4, 1803. Philbrick (ed.), *Laws, 1801-9,* pp. 66-67.

[23] Rape is not mentioned specifically as a crime in any of the laws of the Northwest Territory or Indiana Territory up to this time. It is implied and punishment named in the act of 1803 of Indiana Territory "to prevent forcible and stolen marriages; and for punishment of the crime of Bigamy." Philbrick (ed.), *Laws, 1801-9,* pp. clxxii, clxxvi, 67-68.

that the evidence required in support of an Indictment for that offence can very rarely be obtained unless at the risque of perjury At present proof of penetration & emission must both be proven to support a prosecution. they beleive that proof of penetration ought to[be] sufficient to convict.

In relation to billiard Tables your committee beleive that their use ought to be permitted by law,[24] but in order to prevent their too general use, and their becoming places of too common resort, they would recommend imposing a high tax on such as may be established. All which is respectfully submitted."

On Motion,[*] Ordered that the committee who made the said report, do bring in a bill or bills pursuant thereto.

Mr. Floyd from the committee appointed to wait on the Governor and know at what time & place he would receive the answer of this House to his speech to both Houses of the Legislature at the commencement of this session Reported, that the committee had, according to order performed that service; and that the Governor, signified to them, that he would receive the answer tomorrow at Twelve o'Clock, and for the convenience of this House, at the house of Col. Vigo.[25]

On motion, Resolved that a copy of the answer to the Governor's speech be made out & handed to the Governor this evening, by the Clerk.

On Motion, *Resolved,* that a committee be appointed to examine into the propriety of enlarging the previledge of introducing Bond servants of colour into this Territory from any states or Territories in the U. States; and that they report their opinion thereon by Bill or otherwise. And the said committee was appointed, consisting of Messrs. Parke & Floyd.

[24] An act of December 2, 1799, prohibited the "setting up" of any billiard table within the Northwest Territory after the passage of the act. Use of billiard tables already in the Territory might be continued until May 1, 1802, "for the purpose of amusement only," under a yearly license fee of thirty dollars. Pease (ed.), *Laws of the Northwest Territory,* 380-81.

[25] Col. Francis Vigo's handsome new house was completed late in 1800 or early in 1801, and was placed at Harrison's disposal upon his arrival in the Territory. He accepted the use of one room, a large parlor suitable for meetings. *History of Knox and Daviess Counties Indiana* . . .

And then the house adjourned until To-morrow morning nine o'Clock.[*]

Friday the 2nd of August 1805.

The "Bill for the appointment of a Treasurer and for the regulation of his office" was read the second time;

On motion, Ordered that the said bill be committed to a committee of the whole House To-morrow.

The "Bill for levying & collecting a tax on Land" was read the second time;

On Motion, Ordered that the said Bill be committed to a committee of the whole House To-morrow.

The "Bill for organizing a court of chancery" was read the second time;

On Motion, Ordered that the said Bill be committed to a committee of the whole House To-morrow

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to the prohibiting the sale of ardent spirits to the Indians, reported, "a Bill for prohibiting the sale of ardent spirits to the Indians" which was received and read the first time.

On motion The said bill was read a second time, and ordered to be committed to a committee of the whole House to-day.

Mr. Parke from the committee to whom was referred, yesterday, the resolution for enquiring into the propriety & expediency of enlarging the priviledge of introducing Bond servants of colour into this Territory, Reported, "a Bill concerning the introduction of negroes[*] and mulattoes into this Territory," which was received and read the first time;

On Motion, Ordered that the same be read a second time To-morrow.

The House according to Order, resolved itself into a Commit-

(Goodspeed Publishing Co., Chicago, 1886), 243-44; George E. Greene, *History of Old Vincennes and Knox County Indiana* (2 vols. S. J. Clarke Publishing Company, Chicago, 1911), 1:137-38. See also Dorothy Riker, "Francis Vigo," in *Indiana Magazine of History,* 26(1930): 12-24.

tee of the whole House, on the Bill intitled "a Bill for pohibiting the sale of ardent spirits to the Indians"; and after some time spent therein, Mr. Speaker, resumed the chair and Mr. Parke reported, that the committee had, according to order, had the said Bill under consideration, and made several amendments thereto, which he delivered in at the clerk's table, where the same were severally twice read, and agreed to by the house.

The said Bill was then further amended at the Clerk's Table, and, together with the amendments, Ordered to be engrossed for a third reading to-morrow.

On Motion Ordered that a committee be appointed to enquire into the law regulating notaries public, and report thereon by Bill or otherwise. And the same was appointed consisting of Messrs. Johnson & Floyd.

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to an alteration & amendment of the criminal laws of this Territory, Reported "a Bill respecting certain crimes & punishments," which was received & read the first time.

On motion, Ordered that the said bill be read a second time to-morrow.[*]

Mr. Johnson from the committee appointed to enquire into the law regulating Notaries public, reported "a Bill to regulate notaries public," which was received and read the first time.

On motion, Ordered that the said Bill be read a second time to-morrow.

On motion, Ordered that this House will wait on the Governor at 12 o'Clock this day, to deliver the answer of this House to the speech which he delivered to both Houses of the Legislature, at the opening of the present session.[26]

The House having waited upon the Governor, according to order, he returned to them the following answer:[27]

[26] See *ante,* 50-51.

[27] Harrison's reply to the House is printed in Vincennes *Indiana Gazette,* August 14, 1805. There are variations but no important changes from the text as given in the Journal.

"MR. SPEAKER & GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I can receive no greater satisfaction than to learn from the Representatives of the Territory that my conduct in the administration of this Government has had a tendency to promote the prosperity and happiness of the people.

I cannot doubt but that the subjects which I have recommended as requiring legislative provision, will receive the attention which their importance demands: and you may rest assured that no aid of mine shall be wanting to mature your labours & to facilitate your return to your domestic affairs.

INDIANA TERRITORY August 2nd. 1805.

WILLM. HENRY HARRISON"

And then the House adjourned until to-morrow morning nine o'Clock.[*]

Saturday the 3d of August 1805.

An ingrossed bill to prohibit the sale of ardent spirits and other intoxicating liquors to the Indians was read the third time.

Resolved, that the said Bill do pass, and that the title be, "an act for prohibiting the sale of ardent spirits & other intoxicating liquors to the Indians."

Ordered, that the Clerk of this House do carry the said Bill to the Council & desire their Concurrence.

The Bill concerning the introduction of negroes and mulattoes into this territory, was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole house on Monday next.

The bill respecting certain crimes and punishments, was read the second time.

On Motion, Ordered, that the said bill be committed to a committee of the whole House on Tuesday next.

The bill to regulate Notaries public, was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House on Tuesday next.

On motion, Resolved, that Mr. Floyd be appointed a commit-

tee for inrolled bills, on the part of this House, jointly with such committee as may be appointed for that purpose, on the part of the Council.[*]

The House according to Order, Resolved itself into a committee of the whole House on the "Bill laying & collecting a tax on land," and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Parke reported, that the Committee had, according to Order, had the said bill under consideration, and made some progress therein.

On the Question that the whole House have leave to sit again on the said bill, It passed in the negative.

Ordered, that the committee of the whole House be discharged from the consideration thereof; and that the same be re-committed to a Select Committee: and the same was appointed consisting of Messrs. Bond, Johnson & Parke.

A message from the Council by Mr. Hurst their Clerk "Mr. Speaker, I am directed by the Council to inform this House that they have passed "a Bill to amend an Act entitled an Act establishing courts for the trial of Small Causes," to which they desire the Concurrence of this House." And then he withdrew.

The House, according to order, resolved itself into a Committee of the whole House, upon the "Bill for the appointment of a Treasurer and for the regulation of his office," and after some time spent therein, Mr. Speaker resumed the chair and Mr. Floyd reported, that the committee had, according to order, had the said bill under consideration and made some progress therein, and begged leave to sit again.

On the question that the whole House have leave to sit again on the said bill, It passed in the affirmative.[*]

A message from the Council by Mr. Hurst their Clerk "Mr. Speaker, the Legislative Council have passed the Act prohibiting the sale of ardent Spirits to the Indians, which originated in this House, with sundry amendments, to which they desire the concurrence of this House," and then he withdrew.

The bill from the Legislative Concil to amend an Act for the trial of small causes, was read the first time.

On motion, The said bill was read a second time, and

On motion, Ordered, that the said bill be committed to a committee of the whole House on Monday next.

The House proceeded to consider the amendments proposed by the Council to the Bill, entitled "an act for prohibiting the Sale of ardent Spirits and other intoxicating liquors to the Indians," Whereupon,

The first amendment being twice read at the Clerk's table,

The question was taken that the House do concur with the amendment so made by the Council, And resolved in the affirmative.

The second and last amendment of the Council, being twice read,

The question was taken, that the House do concur with the amendment so made by the Council, And resolved in the negative.

Ordered, that the Clerk of this House do acquaint the Concil therewith.[*]

A message from the Council, by Mr. Hurst their Clerk, "Mr. Speaker, the Council insist on their second amendment disagreed to by this House, to the Bill, entitled "an Act for prohibiting the sale of ardent spirits and other intoxicating liquors to Indians." And then he withdrew.

On motion, Resolved, that this House insist on their disagreement to the amendment made by the Council to the second section of the bill entitled "an act for prohibiting the sale of ardent spirits & other intoxicating liquors to Indians"—

On motion, Ordered, that a conference be desired with the Council on the subject matter of the foregoing amendment, and that Mr. Parke be appointed manager at the said conference on the part of this House

Ordered, that the Clerk of this House do inform the Council thereof.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Concil have agreed to the conferrence proposed by this House, on the subject matter of the amendment proposed by them to the bill entitled "an act for prohibiting the sale of ardent spirits & other intoxicating liquors to Indians"; and that Mr. Gwathmey is appointed manager on their part," and then he withdrew.

The several Orders of the day were further postponed until monday.

And then the House adjourned until Monday nine o'Clock.[*]

Monday the 5th of August 1805.

Mr. Parke from the Managers appointed on the third instant, on the part of this House to attend a conference with the Council on the difference subsisting between the two Houses, on the amendment of the bill, intitled "an act for prohibiting the sale of ardent spirits and other intoxicating liquors to Indians"—made report thereon—

On motion, Ordered, that this House do recede from their amendment as insisted on by this House, and Concur with the amendment made by the Council.

Ordered, that the Clerk of this House do inform the Council thereof.

The Speaker laid before the House a Petition from John Harbin, stating that he had expended large sums of money in going after and bringing Robert Slaughter a fugitive from Justice, to this place, and prayed releif,[28] which being read,

Ordered that the said Petition & other documents accompanying the same, be referred to a Committee. And the same was appointed consisting of Messrs. Parke & Fisher.

The House, according to the order of the day, resolved itself into a Committee of the whole House on the bill from the Council,

[28] On August 18, 1803, John Harbin was appointed by the Governor as agent to receive from the Governor of Tennessee the body of Robert Slaughter indicted for the murder of Joshua Harbin by the General Court of the Territory, and to deliver said Slaughter to the jail of Knox County. Territorial *Executive Journal,* 120. The case came up in the September term of the court. Slaughter's defense was based on the fact that the court did not have jurisdiction since "the felony and murder . . . if any such felony and murder was committed was so committed out of the Jurisdiction of this Court at a place called Grosse Pointe about sixty miles westward of Vincennes and within the Indian country not then ceded by the Indians to the United States. . . ." This point was overruled. Slaughter underwent trial, and was sentenced to hang on October 25, 1804, at the American burying ground near Vincennes. Order Book of the General Court of Indiana Territory, 1801-10. Copy in Archives Division, Indiana State Library. See also Carter (ed.), *Territorial Papers,* 7:168-69, 219n-20.

intituled "an act to amend an act intituled an act for the trial of small causes," and after some time spent therein, Mr. Bond reported, that the committee had, according to order, had the said bill under consideration, and made some amendments—[*] thereto, which he delivered in at the Clerk's tab[le] where the same was severally twice read, and agree[d] to by the House.

On Motion, Ordered, that the said bill be engrossed for a third reading on Wednesday next.

A Message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, The Council have appointed Mr. Jones on their part as a Committee of inrolled Bills." And then he withdrew.

On Motion, Ordered, that leave be given to bring in "a bill to amend a law subjecting real Estates to Execution for debt," also "a bill to amend a law regulating Tavern licenses," and also "a bill to amend a law for the settlement of intestates Estates." And that Messrs. Floyd, Bond & Johnson be a committee to prepare & bring in the same.

The House, according to the order of the day, resolved itself into a committee of the whole House on the "Bill concerning the introduction of negroes and mulattoes into this Territory," and after some time spent therein Mr. Speaker resumed the chair, and Mr. Johnson reported, that the committee had, according to order, had the said bill under consideration, and made several amendments thereto, which he delivered in at the Clerk's Table, where the same was severally twice read and agreed to by the House.

The said bill was then further amended at the Clerk's Table, and together with the amendments was Ordered to be engrossed for a third reading on Thursday next

A Petition from a number of Inhabitants[*] of the County of Randolph, praying for an abolition of the office of Clerk of the General Court, and for other purposes, was laid before the House and read;[29]

Ordered, that the said petition be referred to a Committee of three, and the same was appointed of Messrs. Fisher, Floyd & Bond.

29 A second petition praying the abolition of the office of clerk of the General Court was received by this House. *Post,* 83.

The order of the day being called for on the "bill for the appointment of a Treasurer & and for the regulation of his office"—It was carried in the negative.

On Motion, Ordered, that the said bill be recommitted to a select committee. And the same was appointed, consisting of Messrs. Floyd, Parke & Johnson

The order of the day being called for on the "bill organizing a Court of Chancery" It was carried in the negative.

On motion, Resolved, that this House do proceed this evening at four o'Clock in their Chamber, to the Election of a member to represent this Territory in Congress, and that the clerk of this House do inform the Council thereof and desire their attendance.

The Speaker laid before the House a Letter and other documents, from William Mackintosh Treasurer of this Territory, containing a statement of the monies received and paid out by him,[30] which being read.

Ordered, that the same be referred to a committee of three. And the same was appointed, consisting of Messrs. Fisher, Floyd & Johnson.[*]

On motion, Ordered, that the House do adjourn until four o'Clock this evening.

And then the House adjourned until four o'Clock this evening.

Monday Evening 4 o'Clock P.M.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "an act making Bonds assignable," also "an act regulating apprentices." Also "a Law authorising the court of common pleas to appoint Commissioners for the conveyance of land in certain Cases." And also, "a Law for the more easy acknowledgment of Deeds"—to which they desire the concurrence of this House," and then he withdrew.

The bill from the Legislative Council, for "making Bonds assignable," was read the first time

On motion, Ordered that the same be read a Second time To-morrow.

30 McIntosh's letter of August 5 transmitting his accounts is in the English Collection of the Indiana Historical Society. Unfortunately the documents which accompanied it have not been found

The bill from the Legislative Council, for "regulating apprentices," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.

The bill from the Legislative Council for "authorising the Court of Common Pleas to appoint commissioners for the conveyance of land in certain cases," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.[*]

The Bill from the Legislative Council, for "the more easy acknowledgment of Deeds," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.

On motion, Resolved, that the Clerk of this House do inform the Legislative Council, that they are ready to receive them, agreeably to their request, the forenoon of this day.

And then the House adjourned until To-morrow morning, nine o'Clock.

Tuesday the 6th of August 1805.

Mr. Floyd from the Joint committee of inrolled bills, reported, that the committee had, according to order, Examined "an Act to prohibit the Sale of ardent Spirits, and other intoxicating liquors to Indians," and had found the same to be truly inrolled; Whereupon,

Mr. Speaker signed the said inrolled bill.

Ordered that the Clerk of this House do acquaint the Council therewith.

The bill from the Council "making Bonds assignable," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow

The Bill from the Council for "regulating Apprentices," was read the second time.

On motion, Ordered, that the said bill be[*] committed to a committee of the who[le] House To-morrow.

The bill from the council for "aut[ho]rising the Court of Common Pleas to appoint Com[mis]sioners for the conveyance of land in certain Cases," w[as] read the second time.

On motion, Ordered, that the said bill, be c[om]mitted to a committee of the whole House To-morro[w]

The bill from the Council for "the m[ore] easy Acknowledgment of Deeds," was read the second [time.]

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow

The House according to the order of t[he] day, resolved itself into a committee of the whole Ho[use] on the "Bill to regulate notaries Public"; and af[ter] some time spent therein Mr. Speaker resumed the chair and Mr. Fisher reported, tha[t] the committee had, according to order, had the said b[ill] under consideration, and made several amendments thereto, which were severally twice read, and agree[d] to by the House.

On motion, Ordered, that the said bill be engrossed for a third reading on Thursday next.

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to the organization of Courts and the bet[ter] administration of Justice, reported a Bill respecting Inferior Courts; which was read the first time.

On motion, The said Bill was read a second tim[e]

On motion, Ordered that the said Bill be committed to a committee of the whole House To-morrow[*]

The House according to the order of th[e] day, resolved itself into a Committee of the whole House on the "Bill respecting certain crimes & punishments" and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Johnson reported, that the committee had, according to order, had the said Bill under consideration; and made some progress therein, and desired leave to sit again.

On the question that the committee of the whole have leave to sit again. The same passed in the affirmative.

A Petition from Benjamin Hovey for himself and associates, praying an act of incorporation for the improvement of the Rapids

of the Ohio River on the North West side thereof,[31] was presented to the House and read; Whereupon

Ordered, that the said petition be referred to a Select committee of Two. And the same was appointed of Messrs. Parke & Floyd.

On motion, Resolved, That a committee be appointed to enquire what alterations and amendments are necessary in the law regulating Elections; and that they report thereon by Bill or otherwise. And the same was appointed, consisting of Messrs. Bond, Floyd & Johnson.

A Petition from a number of Inhabitants of Vincennes, praying an act of incorporation of the said Town, including the common feild; was presented to the House & read. Whereupon

Ordered, that the same be referred to a Select committee of Two. And the same was appointed, consisting of Messrs. Parke & Biggs.[*]

And then the House adjourned until To-morrow nine o'Clock.

31 Gen. Benjamin Hovey was a land speculator in New York State who saw that the Falls of the Ohio might afford a place where private gain coincided with public good. Supported by testimonials from such persons as Samuel Gwathmey and Davis Floyd, of Jeffersonville, Jared Mansfield, surveyor of Ohio, and above all, Gen. James Wilkinson, Hovey went to Washington early in 1805, and on January 17, he and his associates petitioned Congress for a grant of 25,000 acres of land or a pre-emption on 100,000 acres for the "encouragement of their project" —a canal around the Falls. The select committee to whom the petition was referred reported favorably and recommended compliance with the request, but only after Hovey and his associates were organized and incorporated. The Kentucky legislature acted to incorporate the Ohio Canal Company. On March 17, 1805, Thomas T. Davis, one of the judges of Indiana Territory, who was interested in the scheme, wrote to President Jefferson, urging that he hasten to appoint the Legislative Council for Indiana Territory in order that the Assembly could meet to incorporate the company in Indiana Territory. *American State Papers, Miscellaneous* (2 vols. Washington, D. C., 1834), 1:419; Cincinnati *Liberty Hall*, February 19 and March 12, 1805; Isaac J. Cox, "The Burr Conspiracy in Indiana," in *Indiana Magazine of History*, 25 (1929): 259-60. About $120,000 was subscribed for the project but nothing came of it. In 1825 another company was chartered by the Kentucky legislature to build a canal on the Kentucky side. This was completed in 1831. Logan Esarey, *A History of Indiana* . . . (2 vols. Fort Wayne, 1924), 1:147.

Wednesday the 7th August 1805.

A message was received from the Gov[er]nor by Mr. Gibson his secretary, notifying that the Governor did, yesterday, approve & sign the "Act for prohibiting the Sale of ardent Spirits and ot[her] intoxicating liquors to Indians," which originated [in] this House.[32]

Ordered, that the Clerk of thi[s] House do acquaint the Council therewith.

Mr. Floyd appointed yesterday on the Petition of Benja[min] Hovey, was excused from serving o[n] the said Committee. And Mr. Bond appointed in his [stead]

Mr. Floyd from the committee app[oin]ted the fifth Instant, to bring in a Bill "to amen[d] a Law regulating Tavern Licenses," reported a bil[l] "to amend the law respecting Tavern licenses." Wh[ich] was received & read the first time.

On motion, Ordered, that the said bill be re[ad] a second time To-morrow.

On Motion, Resolved, that a committee b[e] appointed to prepare and bring in a "Bill to regulat[e] the trade and intercourse with the Indians." And the same was appointed consisting of Messrs. Johnson and Fisher.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Coun[cil] have passed "an act to authorise aliens to pu[r]chase & hold Real Estates in this Territory"; and[*] also "an act concerning Debtors & their Securities, & to empower securities to recover Damages in a summary way"—to which they desire the concurrence of this House." And then he withdrew.

The Bill from the Council "to authorise aliens to purchase & hold Real Estates in this Territory," was read the first time.

32 This was an emergency measure rushed through because of the impending treaty council at Vincennes. It empowered the Governor during the sitting of any council or treaty negotiations to prohibit the sale of ardent spirits to an Indian or Indians within thirty miles of the place of holding the council. Immediately upon signing the bill, the Governor issued a proclamation putting it into effect. Vincennes *Indiana Gazette*, August 7, 1805.

On motion, Ordered, that the same be read a second time To-morrow.

The Bill from the Council "Concerning Debtors & their Securities," was read the first time.

On motion, Ordered, that the said Bill be read a second time To-morrow.

A Petition from Genl. W. Johnston stating that he acted as a Clerk to the election holden in the County of Knox to ascertain the voice of the people, as to entering into the second grade of Government, that he had received no compensation for which he prayed releif, was presented to the House & read.

On motion, Ordered, that the said Petition & vouchers, be referred to a select committee of Two and the same was appointed, consisting of Messrs. Parke & Johnson.

Mr. Johnson from the committee appointed this day, to bring in a Bill to regulate Trade & intercourse with the Indians, reported "a bill for laying Tax on Indian Traders," which was received and read the first time.

On motion, Ordered, that the said bill[*] be read a second time To-morrow.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock.

Thursday the 8th August 1805.

The bill sent from the Council, entitled "an Act to amend an Act for the trial of Small Causes," together with the amendments agreed to the fifth Instant, was read the third time.

And on the question that the same do pass It was resolved in the affirmative.

Resolved, that the title of the said bill be "An Act to amend an Act for the Trial of Small Causes."

Ordered, that the Clerk of this House do acquaint the Council therewith.

The "Bill concerning the introduction of negroes and mulattoes into this Territory" was read the third time.

On Motion, Ordered, that the said bill be re-committed to the committee of the whole House To-morrow.

An engrossed "Bill to regulate Notarie[s] Publick," was read the third time.

Resolved, that the said Bill do pass, and that the title be "An Act to regulate Notaries Public." Ordered that the Clerk of this House do carry the said bill to the Council and desire their concurrence.[*]

The Bill from the Council "to authorise Aliens to purchase and hold real Estates in this Territory," was read the second time.

On Motion, Ordered that the said bill be committed to a committee of the whole House on Saturday next.

The Bill from the Council, "Concerning Debtors & their Securities, & to enable Securities to recover Damages in a summary way," was read the second time.

On Motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill "to amend the law respecting tavern license," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill "laying a Tax on Indian Traders," was read the second time.

On Motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The House according to the order of the day, resolved itself into a committee of the whole House on the Bill "respecting Inferior Courts," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee of the whole had, according to order, had the said bill under consideration, and made several amendments thereto, which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.[*]

The said bill was further amended at the Clerk's table. And together with the amendments, was ordered to be engrossed for a third reading To-morrow.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have appointed Mr. Gwathmey as a committee on their part, Jointly with such committee as may

be appointed on the part of this House, to receive proposals for printing the laws of this Territory—They have passed "an Act to amend an Act for opening & keeping in repair Publick Roads & highways." And also "An Act to amend & continue in force the law respecting divorse," to which they desire the concurrence of this House. And then he withdrew.

A message from the Council by Mr. Hurst their Clerk. "Mr. Speaker, the Council have passed the "Act to amend the act for the trial of Small Causes," with the amendmen[t] made by this House, which originated in the Council." And then he withdrew.

The bill from the Council intituled "An Act to amend an Act for opening & keeping in repair public Roads & Highways," was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.

The bill from the Council intuled "An Act to amend and Continue in the force the law respecting divorse" was read the first time.

On motion, Ordered, that the same be read a second time To-morrow.[*]

On motion, Ordered, that the House do adjourn until three o'Clock this evening.

And then the House adjourned until three o'Clock this evening

Thursday Evening, 3 o'Clock, P. M.

The House according to the order of the day, resolved itself into a Committee of the whole House on the bill from the Council "making Bonds assignable." And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Biggs reported, that the committee had, according to order, had the said Bill under consideration, and had agreed to the same without amendment, which he delivered in at the Clerk's table, where the same was twice read.

On the question that the House do concur with the committee of the whole House, on the said bill. It passed in the affirmative.

On motion Ordered that the said bill be read a third time on Monday next.

The House according to the order of the day, resolved itself into a committee of the whole House, on the bill from the Council "respecting apprentices," And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Johnson reported, that the committee had according to order, had the said bill under consideration, and had made some progress therein, and desired leave to sit again.[*]

On the question that the committe[e] of the whole have leave to sit again. It passed in the affirmative.

Mr. Parke from the select committee appointed on the third Instant, to whom was re-committed the bill for "levying & collecting a tax on land," reported "a bill for levying & collecting a tax on land," which [was] read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The House according to the order of the day, resolved itself into a committee of the whole House on the "Bill respecting certain crimes and punishments," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Parke reported, that the committee had according to order, had the said bill under consideration, and had made some progress therein; and desired leave to sit again.

On the Question that the committee of th[e] whole House have leave to sit again on the said bill It was resolved in the affirmative.

And then the House adjourned until to-morrow nine o'Clock.

Friday the 9th of August 1805

On Motion, Resolved, that a committee be appointed on the part of this House, Jointly with the Committee appointed on the part of the Council, to receive proposals for printing the laws of this Territory. And the same was appointed of Mr. Floyd.[*]

An engrossed bill "respecting Inferior Courts" was read the third time.

Resolved, that the said bill do pass and that the title be "An Act Organizing Inferior Courts."

Ordered, that the Clerk of this House do carry the said bill to the Council & desire their concurrence

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "an Act respecting Bail in certain Cases" to which they desire the concurrence of this House" and then he withdrew.

The bill from the Council "respecting Bail in certain Cases" was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The bill from the Council "to amend an Act for opening & keeping in repair Public Roads & highways" was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House on monday next.

The bill from the Council "to amend and continue in force the law respecting divorse" was read the second time.

On Motion, Ordered, That the said bill be committed to a committee of the whole House on Monday next.

The bill "for levying & collecting a Tax on land" was read the second time.

On motion, Ordered, that the said bill be committed[*] to a committee of the whole House To-morrow.

A message from the Governor by Mr. Gibson his secretary, "Mr. Speaker, a written message from the Governor," and then he withdrew. The message states the resignation of John Hay One of the members of the Legislative Council, and recommends another nomination.[33]

Mr. Parke from the committee to whom was referred on the sixth instant, the Petition of the Inhabitants of Vincennes, praying an act of incorporation, reported "a Bill for incorporating the Burrough of Vincennes," which was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The House according to the order of the day, resolved itself into a committee of the whole House on the "Bill respecting certain crimes and punishments," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that

[33] See *ante,* 23.

the committee had, according to order, had the said bill under consideration, and had made several amendments thereto, which he delivered in at the Clerk's table.

The House then proceeded to consider the Bill, at the Clerk's table; and debate arising thereon,

A motion was made & seconded that the House do concur with the report of the Committee of the whole on the first section of the said bill; It passed in the affirmative Yeas 4. Nays 3.

The Yeas & nays being demanded by one of the members present.[*] Those who voted in the affirmative, are,

Shadrack Bond. Benjamin Parke.
George Fisher. Jesse B. Thomas.

Those who voted in the negative, are

William Biggs. John Johnson.
Davis Floyd.

Another motion was then made & seconded to amend the fifth section of the said Bill by inserting the words "One other third part of such offender's real & personal Estate shall be forfeited & recoverable by such second wife, her heirs and assigns for her own use, and the remaining third part of his said Estate shall be forfeited to all & every the children of such offender by such first & second wife, If there should be children by both, in equal portions; If not, then to the children by either of them, in such equal shares" whereupon,

A division of the question on the said amendment, was called for, On the question, that the House do agree to the said amendment, It passed in the affirmative—Yeas 4. Nays 2.

The yeas & nays being demanded. Those who voted in the affirmative, are,

William Biggs. Davis Floyd.
George Fisher. John Johnson.

Those who voted in the negative, are,

Shadrack Bond. Benjamin Parke.

A motion was made & seconded, that the House do defer the farther consideration of the said Bill, until To-morrow. It passed in the negative.[*]

On motion, Ordered, that the House do adjourn until Three o'Clock this evening.

And then the House adjourned until Three o'Clock this evening.

Friday evening, 3 o'Clock P.M.

The first section of the bill "respecting certain crimes & punishments," being farther amended.

On the question that the House do concur in the said bill, as amended. It passed in the affirmative.

On Motion, Ordered, that the said bill be engrossed for a third reading on Monday next.

The House, according to the order of the day, resolved itself into a committee of the whole House on the Bill from the Council "making Bonds assignable." And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Floyd reported, that the committee had according to order, had the said bill under consideration, and directed him to report to the House their agreement to the same without amendment.

On the question, that the whole House do concur with the report of the committee on the said bill. It passed in the affirmative.

On motion, Ordered, that the said bill be read a Third time on To-morrow.

The further orders of the day were postponed until To-morrow.[*]

And then the House adjourned until To-morrow nine o'Clock.

Satturday the 10th August 1805.

Mr. Floyd from the Joint Committee of Inrolled Bills, reported that the committee had according to order examined "An Act to amend an Act entiled an Act for the Trial of Small causes," and had found the same to be truly inrolled; Whereupon,

Mr. Speaker signed the said Inrolled Bill.

Ordered, that the Clerk of this House do inform the Council thereof.

Mr. Parke from the committee to whom was referred so much of the Governor's speech as relates to perfecting the Militia

System, reported "a Bill respecting the Militia," which being read the first time,

On motion, Ordered, that the said bill be read a second time on Monday next.

The bill from the Council "making Bonds assignable," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act making Bonds for the payment of money or property Assignable."

Ordered, that the Clerk of this House do inform the Council thereof.

The Bill "for incorporating the Burrough of Vincennes," was read the second time.

On motion, Ordered, that the said Bill be committed to a committee of the whole House on Monday next.[*]

The House according to the order of the day, resolved itself into a committee of the whole House, on the Bill from the Council "respecting apprentices," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had, according to order, had the said bill under consideration and had made several amendments thereto, which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.

On motion, Ordered, that the said bill be read a third time on Monday next.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "an Act to prohibit the sale of intoxicating liquors to Indians," to which they desire the concurrence of this House.[34] And then he withdrew.

[34] The act approved by the Governor on August 6, for prohibiting the sale of ardent spirits or other intoxicating liquors to the Indians (*ante,* 65), authorized the Governor, at the holding of a council or treaty with the Indians, to prohibit by proclamation the sale or disposition of liquor to the Indians by any person whatsoever within thirty miles of such treaty or council. This act, originating in the Council, which received the Governor's approval on August 15, forbade any trader to sell or furnish the Indians within the Territory any intoxicating liquor. It was to be in force as soon as Kentucky and Ohio and the territories of Louisiana and Michigan passed similar laws. Copies of

The House according to the order of the day, resolved itself into a Committee of the whole House on the Bill from the Council "for authorising the Court of Common Pleas to appoint Commissioners for the conveyance of land in certain Cases," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said Bill under consideration, and had made several amendments thereto. Which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.

On motion, Ordered, that the said bill be read a third time on Monday next.[*]

The House, according to the order of the day, resolved itself into a committee of the whole House, on the Bill from the Council "for the more easy acknowledgement of Deeds," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said bill under consideration, and had made several amendments thereto. Which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.

On motion, Ordered, that the said bill be read a third time on Monday next.

The House, according to the order of the day, resolved itself into a committee of the whole House on the "Bill laying a Tax

the law were to be forwarded to the executives of these states and territories. Philbrick (ed.), *Laws, 1801-9,* pp. 91, 97-98.

In a letter to the Secretary of War, enclosing a copy of this act, Harrison wrote: "I exerted myself to procure the passage of a law confining the Indian trade entirely to their own country, but the Legislature were unwilling to go so far. I am persuaded that a letter from you to the Executives of the neighboring States and Territories would greatly expedite the passage of a law forbidding the sale of ardent spirits to the Indians. The reason assigned by the legislature for passing the law with the condition of its not taking effect until a similar one was passed by our neighbours, was that it would be of little benefit to those Indians to prohibit their getting liquor here if they could obtain it by going into a neighbouring state or Territory and by returning with it into this Territory. The citizens would suffer all the inconveniences of their drunkenness without the advantage of their trade." Esarey (ed.), *Messages and Letters,* 1:166. See *post,* 321-22.

on Indian traders" and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Johnson reported that the committee had, according to order, had the said bill under consideration, and had made some amendments thereto, which he delivered in at the Clerk's table; where the same were severally twice read, and agreed to by the House

On motion, Ordered, that the said bill be engrossed for a third reading on Monday next.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "the act organizing Inferior Courts," which originated in this House, with some amendments, to which they desire the concurrence of this House." And then he withdrew.

On motion,[*] Ordered, that this House do adjourn until Three o'Clock this evening.

And then the House adjourned until three o'Clock this evening.

Saturday Evening 3 o'Clock P.M.

The Bill from the Council "to prevent the sale of intoxicating liquors to Indians," was read the first time.

On motion, Ordered, that the said bill be read a second time on Monday next.

The House proceeded to consider the the amendments made by the Council to the bill "Organizing Inferior Courts," Whereupon,

The amendments being severally twice Read at the Clerk's table,

The question was taken, that the House do concur with the amendments so made by the Council, And resolved in the affirmative.

Ordered, that the Clerk of this House do acquaint the Council therewith.

The House, according to the order of the day, resolved itself into a committee of the whole House on the Bill from the Council, "to authorise aliens to purchase & hold real estate, in this Territory," and after some time spent therein, Mr. Speaker resumed

the chair, and Mr. Johnson reported, that the committee had, according to order, had the said bill under consideration, and had agreed to the same without[*] amendment.

On the question, that the whole House do concur with the report of the committee on the said bill. It passed in the affirmative.

On motion, Ordered, that the said bill be read a third time on Monday next.

The House, according to the order of the day, resolved itself into a committee of the whole House on the bill "to amend the law respecting Tavern license," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said Bill under consideration, and had made some progress therein, and desired leave to sit again.

On the question, that the committee of the whole, have leave to sit again, It passed in the affirmative.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the legislative Council have concurred in the bill, from this House, "regulating Notaries Public," to which they have made some amendments—they have also, passed an act "concerning mills & Millers"—and have also, came to a Resolution, that they will meet this House on the Sixteenth Instant at Ten o'Clock in the forenoon, in the Representative's Chamber, in order to Elect a Delegate to Congress, to all of which they desire the Concurrence of this House." And then he withdrew.[*]

On motion, Resolved, that this House do concur with the resolution of the Council, ascertaining the time when, and the place where, the two branches of the Legislature shall convene to elect a Delegate to Congress—[35] and that the Clerk of this House do inform the Council thereof.

The House proceeded to consider the amendments made by

35 The Northwest Ordinance provided that "as soon as a legislature shall be formed in the district, the Council and house assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government." Carter (ed.), *Territorial Papers*, 2:45.

the Council to the Bill, "regulating Notaries Publick," Whereupon,

The amendments being severally twice read at the Clerk's table,

The question was taken that the House do concur with the amendments so made by the Council, And resolved in the affirmative.

Ordered, that the Clerk of this House do acquaint the Council therewith.

The bill from the Council, "Concerning Mills and Millers," was read the first time.

On motion, Ordered, that the said bill be read a second time on Monday next.

The several orders of the day were further postponed until Monday next.

And then the House adjourned until monday nine o'Clock.[*]

Monday the 12th of August 1805

An engrossed Bill "for laying a Tax on Indian Traders" was read the third time.

Resolved that the said bill do pass and that the title be "An Act for laying a Tax on Indian Traders."

Ordered that the Clerk of this House do carry the said bill to the Council and desire their concurrence.

Mr. Floyd from the committee of inrolled bills, reported that the committee had according to order, examined the "Act making Bonds for the payment of money or property Assignable," and had found the same truly inrolled, Whereupon,

Mr. Speaker signed the said Inrolled Bill.

Ordered, that the Clerk of this House do inform the Council thereof.

The Bill from the Council, "respecting Apprentices," was read the third time.

Resolved, that the said bill do pass, and that the Title be "An act respecting Apprentices."

Ordered, that the Clerk of this House inform the Council thereof

The Bill from the Council "authorising the Court of Common Pleas to appoint Commissioners for the Conveyance of land in certain Cases," was read the third time.

Resolved, that the said bill do pass, and[*] that the title be "An Act to authorise the Court of Common Pleas to appoint Commissioners for the Conveyance of land in certain Cases."

Ordered that the Clerk of this House do inform the Council thereof.

The Bill from the Council "for the more easy acknowledgment of Deeds," was read the third time.

On motion, Ordered, that the said bill, be re-committed to a committee of the whole House to-morrow.

The bill from the Council, "to authorise aliens to purchase & hold real estates in this Territory," was read the third time.

Resolved that the said bill do pass, and that the title be "An Act to authorise aliens to purchase and hold real Estates in this Territory."

Ordered, that the Clerk of this House do inform the Council thereof.

Mr. Parke from the Committee to whom was referred on the Sixth Instant, the Petition of Ben Hovey for himself & associates Reported "a Bill to incorporate the Indiana Canal Company," which was read the first time.

On motion, Ordered, that the said bill be read a second time to-morrow. The Bill "respecting the Militia" was read the second time.

On Motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.[*]

The Bill from the Council "respecting Bail in certain Cases," was read the Second time.

On motion, Ordered, that the said bill be Committed to a committee of the whole House To-morrow.

The Bill from the Council, "to prohibit the sale of intoxicating liquors to Indians," was read the second time.

On motion, Ordered, that the said bill be read a third time to-morrow.

The Bill from the Council "Concerning Mills & Millers," was read the second time.

On motion, Ordered, that the said bill be Committed to a committee of the whole House To-morrow.

The House, according to the order of the day, Resolved itself into a committee of the whole House, on the Bill from the Council "to amend & continue in force the law respecting Divorse," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had, according to order, had the said bill under consideration, and directed him to report to the House, their agreement to the same, without amendment.

On the question, that the whole House do concur with the report of the committee of the whole on the said bill It passed in the affirmative.

On motion, Ordered, that the said bill be[*] read a third time on Wednesday next.

Mr. Floyd from the committee of Inrolled Bills, reported, that the committee had, according to order, examined the "Act to authorise Aliens to purchase and hold real Estates in this Territory," and had found the same truly inrolled, Whereupon,

Mr. Speaker signed the said Inrolled Bill.

Ordered, that the clerk of this House do inform the Council thereof.

The House, according to the order of the day, resolved itself into a committee of the whole House on the Bill "to amend the law respecting Tavern license," and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Parke reported, that the committee had according to order, had the said Bill under consideration, and had made several amendments thereto, which he delivered in at the Clerk's table where the same were severally twice read and agreed to by the House.

On motion, Ordered, that the said bill be engrossed for a third reading on Wednesday next.

Mr. Floyd from the committee of Inrolled Bills, reported, that the committee had according to order, examined the "Act regulating Notaries Public," and had found the same truly inrolled, Whereupon,

Mr. Speaker signed the said Inrolled bill.

Ordered, that the Clerk of this House do inform the Council thereof.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed "an Act for the Sale & conveyance of land under Executions"—also, they have concurred in the amendments made by this House to the "Act respecting Apprentices"—and also, they have concurred in the amendments made by this House to the "Act authorising the Court of Common Pleas to Appoint Commissioners for the Conveyance of land in certain Cases"—to all of which they desire the concurrence of this House." And then he withdrew.

Ordered, that this House do adjourn until Four o'Clock this evening.

And then the House adjourned until four o'Clock this evening.

Monday evening 4 o'Clock P.M.

The Bill from the Council, "to authorise the sale & conveyance of land under Executions," was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

On motion, The House resolved itself into a committee of the whole House on the Bill "for Organizing a Court of Chancery," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said Bill under consideration, and had made some[*] amendment thereto, which he delivered in at the Clerk's table, where the same was twice read and agreed to by the House.

On Motion, Ordered, that the said bill be engrossed for a third reading on Wednesday next.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock.

Tuesday the 13th of August 1805.

Mr. Parke from the committee to whom was referred, on the fifth Instant, the Petition of John Harbin, made report thereon, which was read, and considered: Whereupon,

On motion, Ordered, that the said Report & Petition do lie on the table.

Mr. Parke from the committee to whom was referred on the seventh Instant, the Petition of General W. Johnston, made report thereon, which was read, & considered: Whereupon,

Resolved, that the prayer of the petitioner ought to be granted; and that the said committee to whom was referred the said Petition do bring in a bill conformably thereto.

Mr. Floyd from the committee to whom was referred on the fifth instant, the Letter & documents of the Treasurer of this Territory, made report thereon, which was read, & considered: Whereupon,

Resolved, that this House do concur in the said report.[*]

The Bill from the Council "to prohibit the sale of intoxicating liquors to Indians," was read the third time.

Resolved that the said bill do pass, and that the title be, "An Act to prohibit the giving or selling intoxicating liquors to Indians."

Ordered, that the Clerk of this House do inform the Council thereof.

An engrossed bill "respecting certain Crimes & punishments," was read the third time.

On motion, Ordered that the said bill be re-committed to a committee of the whole House to-day.

The Bill from the Council "for the Sale & conveyance of land under Executions," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House to-morrow.

The Bill "for incorporating the Indiana Canal Company," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council, have passed "an Act authorising the Guardians of minors to sell Houses & Lots in Towns and villages in certain Cases"—also "An Act directing the manner of proceeding in cases of impeachments"—and also, "An Act for the

releif of Persons imprisoned for Debt"—and also "an Act for reviving and continuing Causes in the Court of [*] Common Pleas of Knox County, and regulating the Teste of Writs" to all of which they desire the concurrence of this House." And then he withdrew.

The Bill from the Council "authorising Guardians of minors to sell Houses & lots in Towns & villages in certain Cases," was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The Bill from the Council "directing the manner of proceeding in Cases of impeachments," was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow

The Bill from the Council "for the releif of Persons imprisoned for Debt," was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The Bill from the Council "reviving & continuing Causes in the Court of Common Pleas of Knox County, and regulating the Teste of Writs," was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The House according to the order of the day resolved itself into a committee of the whole House on the "Bill respecting certain crimes and punishments," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Johnson reported, that the committee had[*] according to order, had the said bill under consideration, and had made some amendment thereto, which he delivered in at the Clerk's table, where the same was severally twice read and agreed to by the House.

On Motion, Ordered, that the said bill be engrossed for a third reading immediately.

An engrossed bill "respecting certain Crimes & punishments," was read the third time.

Resolved, that the said bill do pass. And that the title be "An Act respecting certain crimes & punishments."

Ordered, that the Clerk of this House do carry the said bill to the Council and desire their concurrence.

The House, according to the order of the day, resolved itself into a committee of the whole House, on the bill "for incorporating the Burrough of Vincennes," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said Bill under consideration, and had made some amendment thereto, which he delivered in at the Clerk's table, where the same was twice read and agreed to by the House.

On Motion, Ordered, that the said bill be engrossed for a third reading To-morrow.

The House, according to the order of the day, resolved itself into a committee of the whole House, on the Bill from the Council "to amend an Act for opening and[*] keeping in repair publick roads & highways," and after some time spent therein, Mr. Speaker .resumed the chair, and Mr. Bond reported, that the committee had, according to order, had the said Bill under consideration, and had made some amendment thereto, which he delivered in at the Clerk's table where the same was twice read, and agreed to by the House.

On motion, Ordered, that the said bill be read a third time To-morrow.

A Petition from a number of the Inhabitants of the Counties of Randolph and St. Clair, praying an abolition of the office of Clerk to the General Court, and for other purposes, was presented and read.

On motion, Ordered, that the said Petition be referred to the Committee appointed on the fifth instant on the Randolph petition.

Ordered, that this House do adjourn until three o'Clock this evening.

And then the House adjourned until Three o'Clock this evening.

Tuesday evening, 3 o'Clock P.M.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock [*]

Wednesday the 14th of August 1805.

Mr. Floyd from the committee of inrolled bills reported, that the committee had according to order, examined the following Inrolled bills, to wit,

"an act concerning apprentices."

"An act authorising the Court of Common Pleas to appoint Commissioners for the conveyance of land in certain Cases."

"An act prohibiting the giving or selling intoxicating liquors to Indians"

And "An act Organizing Inferior Courts" and had found the same truly Inrolled: Whereupon,

Mr. Speaker signed the said several Inrolled Bills.

Ordered, that the Clerk of this House do inform the Council thereof.

Mr. Parke from the committee appointed yesterday; to bring in a bill conformably to report of the committee on the Petition of Genl. W. Johnston, reported "a Bill for the releif of Genl. W. Johnston," which was read the first time.

On motion, Ordered, that the said bill be read a second time To-morrow.

The Bill from the Council "to amend an act for opening & repairing public roads & highways," was read the third time.

Resolved, that the said bill do pass, and that the title be, "an act to amend an act for opening & repairing public roads & highways."

Ordered, that the Clerk of this House do inform the Council thereof.[*]

The Bill from the Council, "to amend and continue in force a law intitled a law respecting devorse," was read the third time.

Resolved, that the said bill do pass, and that the title be "an act to amend & continue in force a law intitled a law respecting devorse"

Ordered, that the Clerk of this House do inform the Council thereof.

The Bill from the Council "authorising the Guardians of

Minors to sell Houses & lots in Towns & villages in certain Cases," was read the second time.

On motion, Ordered, that the said bill be read a third time To-morrow.

The Bill from the Council "directing the manner of proceeding in Cases of impeachment," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill from the Council "for the releif of persons imprisoned for debt," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill from the Council "for reviving and continuing suits in the Court of Common Pleas of Knox County & regulating the Teste of Writs," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.[*]

The House according to the order of the day, resolved itself into a committee of the whole House, on the bill "to Incorporate the Indiana Canal Company," and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Johnson reported, that the committee had, according to order, had the said bill under consideration, and had made several amendments thereto, which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.

On motion, Ordered, that the farther consideration of the said bill be postponed until To-morrow.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have concurred in the "Bill laying a Tax on Indian traders," which originated in this House, without amendment. They have also passed "an act for the partition of land," to which they desire the concurrence of this House." And then he withdrew.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council, have concurred in the amendments made by this House to the "Act to amend an act for opening & repairing public roads & highways." And then he withdrew.

Ordered, that this House do adjourn until three o'Clock this evening.

And then the House adjourned until three o'Clock this evening.[*]

Wednesday evening, 3 o'Clock P.M.

The House according to the order of the day, resolved itself into a committee of the whole House, on the "Bill respecting the Introduction of negroes and mulattoes into this Territory," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had according to order had the said bill under consideration, and had made several amendments thereto, which he delivered in at the Clerk's table, where the same were severally twice read & agreed to by the House.

On motion, Ordered, that the said bill be engrossed for a third reading on Friday next.

On motion, Ordered, that a standing committee of Claims be appointed. And the same was appointed of Messrs. Floyd, Bond & Johnson.

Resolved, that a committee be appointed to prepare & bring in a Bill for making the necessary appropriations for the support of the Government. And the same was appointed consisting of Messrs. Parke, Biggs & Fisher.

A petition from Peter Jones, stating two claims in his favor upon the territory, and praying releif, was presented & read.

On motion, Ordered, that the said Petition and vouchers be referred to the committee of claims.

The Bill from the Council "for the partition of lands," was read the first time.

On motion, Ordered, that the said bill be read a second time on Friday next.[*]

An engrossed bill "to amend an Act respecting tavern license," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act to amend an Act respecting tavern license."

Ordered, that the clerk of this House do carry the said bill to the Council and desire their concurrence.

An engrossed bill for "Incorporating the Burrough of Vincennes," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act for Incorporating the Burrough of Vincennes."

Ordered, that the Clerk of this House do carry the said bill to the Council, and desire their Concurrence.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock.

Thursday the 15th of August 1805.

Mr. Floyd from the committee of inrolled Bills, reported that the committee had according to order, examined the following Inrolled Bills, towit,

"An Act to amend an Act, entitled an Act for Opening & repairing Publick Roads and highways"—and

"An Act to amend & continue in force[*] a law intitled a law respecting devorse."

And had found the same truly inrolled; Whereupon,

Mr. Speaker signed the said Inrolled Bills.

Ordered, that the Clerk of this House do inform the Council thereof.

An engrossed Bill "for Organizing a Cour[t] of Chancery," was read the third time

On the question that the Bill do pass It was resolved in the affirmative Yeas 4 Nays 3.

The yeas and nays being demanded. Those who voted in the affirmative, are,

William Biggs.	Benjamin Parke.
George Fisher.	Jesse B. Thomas.

Those who voted in the negative, are,

Shadrack Bond.	John Johnson.
Davis Floyd.	

Resolved that the title of the said bill be "An Act for Organizing a Court of Chancery"

Ordered, that the Clerk of this House, do carry the said bill to the Council & desire their concurrence.

The Bill from the Council "to authorise Guardians of minors to sell Houses & Lots in Towns & villages in certain Cases," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act to authorise Guardians of minors to sell Houses & lots in Towns & villages, in certain Cases."

Ordered, that the Clerk of this House do inform the Council thereof.[*]

The Bill "for the releif of Genl. W. Johnston" was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The House, according to the order of the day, resolved itself into a committee of the whole House on the Bill from the Council, "for reviving and continuing suits in the Court of Common Pleas of Knox County, and regulating the Teste of Writs," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Fisher reported, that the committee had according to order, had the said bill under consideration, and had made some amendment thereto, which he delivered in at the Clerk's table, where the same was severally twice read and agreed to by the House.

On motion, Ordered, that the said bill be read the third time immediately.

The said bill was then read a third time.

Resolved, that the same do pass, and that the title be "An Act for reviving & continuing suits in the Court of Common Pleas of Knox County, and regulating the Teste of Writs."

Ordered, that the Clerk of this House do inform the Council thereof.

Mr. Parke from the committee to whom were referred on the Thirty first Ultimo, so much of the Governor's speech as relates to the finances of the Territory and the administration thereof reported[*] "a Bill for the appointment of an Auditor and Territorial Treasurer," which was read the first time.

On motion, Ordered, that the said Bill be read a second time To-morrow.

Ordered, that this House do adjourn until three o'Clock this evening.

And then the House adjourned until three o'Clock this evening.

Thursday evening 3 o'Clock P.M.

The House resumed the consideration of the Bill "for Incorporating the Indiana Canal Company"—and after several other amendments, the same was agreed to by the House.

On motion, Ordered that the said bill be engrossed for a third reading To-morrow.

A message from the Council by Mr. Hurst their clerk, "Mr. Speaker, the Legislative Council have concurred in the amendments made by this House to the Bill "for reviving & continuing suits in the Court of Common Pleas of Knox County, and regulating the Teste of Writs." They have passed an "Act relative to the General Court and for the better administration of Justice" and "an act regulating Weights and measures," to which two several acts they desire the concurrence of this House." And then he withdrew.

The Bill from the Council "relative to the General Court and for the better administration of Justice," was read the first time.[*]

On motion, Ordered, that the said bill be read a second time To-morrow.

The Bill from the Council "regulating Weights and measures," was read the first time.

On motion, Ordered, that the said Bill be read a second time To-morrow.

The House according to the order of the day, resolved itself into a committ[ee] of the whole House, on the Bill from the [C]ouncil "respecting Bail in certain Cases," and af[ter] some time spent therein, Mr. Speaker resumed the chair, and Mr. Parke reported, that the Comm[itt]ee had according to order, had the said bi[ll] under consideration, and had made some [am]endment thereto, which he delivered in the [Cler]k's Table where the same was twice read & [agreed] to by the House.

On motion, Ordered, that the said [bil]l be read a third time To-morrow.

The House according to [the] order of the day, resolved itself into a com[mitte]e of the whole House, on the Bill from t[h]e Council, "for the releif of persons imprisoned for debt," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bond reported, that the committee had according to order, had the said bill under consideration, and had made some amendment thereto, which he delivered in at the Clerk's table, where the same was twice read and agreed to by the House.

On motion,[*] Ordered, that the said bill be read a third time To-morrow.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock.

Friday the 16th of August 1805.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have entered into a resolve, concerning the election of the delegate to Congress, to which they desire the concurrence of this House" and then he withdrew. the said Resolve is in the following words. "Resolved, that the House of Representatives concurring therein, the following Rules shall be observed by the Legislature in Joint meeting, in their proceeding to the election of a delegate to Congress.

1st. The members shall vote by ballot.

2d. The ballots being taken by the Clerk of the House of Representatives, shall be examined and pron[ou]nced by the Speaker in presence of the meeting.

3. If neither candidate has a majority of the whole number of votes on the first ballot, the members of the Joint meeting shall immediately proceed to a second ballot, and so on from time to time, until one of the candidates obtains a majority of the whole number of votes.

The House proceeded to consider the said resolutions.

On the question that the House[*] do concur with the said resolutions It was resolved in the negative.

On motion, Resolved, that this House will not concur with the resolutions sent to it by the Legislative Council this morning,

respecting the electing of a delegate to Congress, as they conceive it to be contrary to the meaning and spirit of the ordinance.

Ordered, that the Clerk of this House do inform the Council thereof.

On motion, Resolved, that the House do postpone the meeting the Legislative Council for the purpose of electing a delegate to Congress, until Wednesday next at 10 o'Clock A. M. and that they request the concurrence of the legislative Council thereto.

Ordered, that the Clerk of this House do inform the Council thereof.

A Petition from Joseph Baird stating his attendance on the General Court of this Territory, as a Witness in the case of the United states against Robert Slaughter, and praying releif; was presented & Read.

On motion, Ordered, that the said Petition and vouchers be referred to the Committee of Claims.

A Petition from Abraham Defrance, stating three allowances, made by the General Court of this Territory, to John Huling & himself as Constables of Knox County, for services rendered the Territory; was presented & read.[*]

On motion, Ordered, that the said petition & vouchers be referred to the Committee of Claims.

A message from the Governor by Mr. Gibson his secretary, "Mr. Speaker, the Governor has directed me to inform this House, that on the fifteenth of August instant, he approved & signed the "Act regulating Notaries Public," and then he withdrew.

Ordered, that the Clerk of this House do inform the Council thereof.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Governor has notified the Legislative Council, by his Secretary, That he has approved and signed "An Act to amend an Act for the trial of small causes"—and "An Act making Bonds assignable"—and "an Act to prohibit the giving or selling intoxicating liquors to Indians"—and "An Act concerning apprentices." —and "An Act authorising the Court of Common Pleas to appoint Commissioners for the Conveyance of land in certain Cases."

—and also, "An Act authorising aliens to purchase and hold real estates in this Territory."—The Council have concurred in the resolution of this House, respecting the election of a delegate to Congress." And then he withdrew.

Mr. Floyd from the committee of inrolled bills reported, that the committee had according to order, Examined the following inrolled Bills, towit, "An Act to authorise Guardians of minors to sell Houses and lots in Towns & villages in certain Cases." And

"An Act reviving & continuing Suits in[*] the Court of Common Pleas of Knox County, and regulating the Teste of Writs." And also

"An Act laying a Tax on Indian Traders." And had found the same severally, truly Inrolled: Whereupon,

Mr. Speaker signed the said several Inrolled Bills.

Ordered, that the Clerk of this House do inform the Council thereof.

The Bill from the Council "for the part[it]ion of lands," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of whole House To-morrow.

The Bill "for the appointment of an Auditor and Territorial Treasurer," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill from the Council "relative to the General Court and the better to promote the impartial administration of Justice," was read the second time.

On motion, Ordered, that the said bill be committed to a committee of the whole House To-morrow.

The Bill from the Council "regulating Weights and measures," was read the second time.

On motion, Ordered, that the said bill be[*] read a third time To-morrow.

The Bill from the Council "for the releif of persons imprisoned for debt," was read the third time.

Resolved, that the said Bill do pass, and that the title be "An Act for the releif of persons imprisoned for debt."

Ordered, that the Clerk of this House do inform the Council thereof.

The Bill from the Council "respecting Bail in certain Cases," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act respecting Bail in certain Cases."

Ordered, that the Clerk of this House do inform the Council thereof.

The House according to the order of the day, resolved itself into a committee of the whole House, on the bill from the Council "for the more easy acknowledgment of Deeds," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Floyd reported, that the Committee had, according to order, had the said bill under consideration, and had made several amendments thereto, which he delivered in at the Clerk's Table where the same were severally twice read.

On motion, Ordered, that the further consideration thereof be postponed until Tomorrow.

A message from the Council by[*] Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have concurred in the amendments made by this House to the Bill "for the releif of persons imprisoned for debt" and the Bill "respecting Bail in certain Cases"—And then he withdrew.

The several orders of the day were further postponed until To-morrow.

And then the House adjourned until To-morrow nine o'Clock.

Satturday the 17th of August 1805.

The Speaker laid before the House a communication from the Treasurer of the Territory containing his vouchers in aid and illucidation of his Territorial account, which was read.

On motion, Ordered, that the said communication be referred to the committee appointed on the fifth Instant, on the Letter and other documents of the Territorial Treasurer.

Mr. Johnson from the committee of Claims reported "a Bill to authorise the Courts of Common Pleas in this Territory to draw on the County Treasury for the services and expences therein mentioned"; which was read the first time.

On motion, Ordered, that the said bill be read a second time on monday next.

A message from the Council by Mr. Hurst their Clerk, "Mr. Speaker, the Legislative Council have passed the act respecting certain crimes[*] and punishments," which originated in this H[ouse] with some amendments, to which they desire t[he] concurrence of this House," and then he withd[rew.]

An engrossed bill "for Incorporating the Indiana Canal Company," was read the third time.

Resolved, that the said bill do pass, and that the title be, "An Act for Inco[r]porating the Indiana Canal Company."

Ordered, that the Clerk of this House do carry the said bill to the Council, and desire their concurrence.

An engrossed bill "concerning the introduction of negroes and mulattoes into this Territory," was read the third time.

Resolved, that the said bill do pass, and that the title be "An Act concernin[g] the introduction of negroes & mulattoes into th[is] Territory."

Ordered, that the Clerk of this Hou[se] do carry the said bill to the Council and desire their concurrence.

The bill from the Council "regulating Weights and measures," was read the third time.

Resolved, that the said bill do pass, and that the title be "an Act concerning Weights and measures."

Ordered, that the Clerk of this House do inform the Council thereof.

The House resumed the consideration of the bill "for the more easy acknowledgment of Deeds"—and after several other amendments made therein at the Clerk's table, the same[*] together with the amendments, was con[curred] in by the House.

On motion, Ordered, that the said bill be read a third time on Monday next.

On motion, Ordered, that the bill "regulating the Militia" do lie on the Clerk's Table.

Mr. Bond from the committee, appointed on the fifth Instant, on the Petition of the Inhabitants of Randolph, and a similar Petition from Randolph & St. Clair counties, presented to the

House on the 13th Instant and referred to the same committee, reported,

"1st. That so much of the Petitions aforesaid as requests this House to limit the Jurisdiction of the General Court, does merit proper redress.

2d. That so much of the af[oresai]d petitions as requires this House to abolish the clerkship of the General Court, and vest the powers of the same in the several Prothonotaries, in the opinion of your committee, is inexpedient.

3d. That so much of the af[oresai]d Petitions, as refers to the Fees of the Clerk of the General Court and Prothonotaries, does require redress."

On motion, Ordered, that the committee who made the said report, do bring in a Bill [in] conformity thereto.[*]

A message from the Council [by Mr.] Hurst their clerk, "Mr. Speaker, I am direct[ed] by the Council to inform this House, that M[r.] Menard has resigned his seat as President of the Council, pro. tempore; and that Colonel Chambers is appointed President thereof, and that the Council have concurred in the Bill "Organizing a Court of Chancery," which originated in this House, without amendment," and then he withdrew.

The several orders of the day, were further postponed until monday next.

And then the House adjourned until monday nine o'Clock.

[The Journal breaks off at this point. The following are documents relating to the closing days of the session, August 19-26.]

Address to the President of the United States
August 19, 1805[36]

To the President Of the United States.

Sir, At the auspicious moment which gives to the Indiana Territory a form of Government which bears some Semblance to a republic, the General Assembly thereof beg leave to Offer you their Congratulations on the prosperous and happy situation of

[36] Printed in Carter (ed.), *Territorial Papers,* 7:300. President Jefferson's reply is printed in *ibid.,* 7:329.

the United States, under an Administration wise as it is virtuous, mild as it is energetic.

Although our peculiar Situation prevents our realizing the influence of all the measures of the Government of a general nature, yet we feel the firmest Conviction that your administration will eminently promote the happiness and prosperity of the Country over which you preside. And the advancement of the Cause of Republicanism throughout the world.

In taking a view of the Acts of the General Government, there Appears to be no one more interesting to the United States in general, and to the Western Country in particular, than the acquisition of Louisiana; whilst it has added an empire to the Union, it has secured to us the peace and friendship of the various Indian Tribes, and removed a danger Justly to be apprehended from its being possessed by a powerfull and ambitious European Nation: this Important transaction which has secured the Peace and happiness of Western America and the emancipation of Millions which are yet unborn, will for ever remain a monument at Once honourable to our Nation and to those who directed its negociation.

Accept, Sir, the thanks of the People of the Indiana territory for the attention you have paid to their particular interest, and their wishes that your domestic happiness may be as Complete as that which you have so ably Assisted to Secure to your fellow Citizens.

VINCENNES August 19th 1805

B. CHAMBERS,
President of the Council
JESSE B. THOMAS
Speaker of the house
of Representatives

Veto Message of the Governor, August 22, 1805[37]

Gentlemen of the house of Representatives

However painful it may be to me, I find my self under the necessity of withholding my signature from two Bills which originated in your house the one Entitled "an act Organizing the Inferior Courts,"[38] and the other "an Act Laying a tax on Indian Traders."[39] My objections to the former of these is Entirely confined to the smallness of the Compensation which is allowed to the *three* Judges of the County Courts. If it is found difficult under under the present System to hold *four* Courts in the year, when there are in each County at least five or Six Judges and whose Compensation is very nearly equal to that which is allowed by the present Bill, it is difficult to Suppose that any thing, But an entire suspension of those Courts will take place, when *three* Judges

[37] From a D.S. in the English Collection, Indiana Historical Society Library. The body of the document is in the hand of the Secretary of the Territory, John Gibson.

[38] No copy of this bill has been found. Apparently it underwent a reconsideration, was amended, and passed the Assembly again for on August 24, 1805, "An Act Organizing Inferior Courts" was signed by the Governor. (Philbrick [ed.], *Laws, 1801-9,* pp. 115-18). This act provided for a court of common pleas in each county presided over by three judges who were to hold six sessions annually, the judges to receive a compensation of $2.50 for each day that they sat in court. What changes were made in order to win the Governor's approval is not clear, unless the salary of the judges was increased in the revised measure.

[39] See text of this below. Harrison seems to have undergone a change of mind on this subject. In 1803 he and the Judges of the Territory, seeking an additional revenue, petitioned Congress "for leave to impose a reasonable tax, yearly, on all persons trading with the Indian tribes within this Territory. . . . " The House committee to whom the petition was referred declared, "That as laws exist in some of the States laying a Tax on Merchants generally the Governor and Judges of Indiana, are authorized to adopt this provision as to merchants of every description, within their territory, as well those trading with Indians as with others, and consequently that there is no need of the interposition of Congress to effect the object of the Petition." Philbrick (ed.), *Laws, 1801-9,* p. 84; Esarey (ed.), *Messages and Letters,* 1:88-89; Carter (ed.), *Territorial Papers,* 7:166. No action was taken by the Governor and Judges before the Territory passed into second grade. In light of the House report, Harrison's action vetoing this measure comes as a surprise.

are directed to hold *six* Sessions in each year. Upon the whole, I am persuaded that the present Organization of the Inferioı Courts with all its defects is much Better than the Substitute which is offered, unless a sufficient Compensation is given to Induce persons that are qualified to devote themselves to the Judicial duties of the several Counties—

My objections to the Bill "laying a Tax on Indian Traders," go to the very principle upon which it is founded. The Constitution of the United States gives to Congress the exclusive right of regulating Trade with the Indian Tribes nor has any state or Territory a right to pass a Law upon the Subject—

WILLM HENRY HARRISON
INDIANA TERRITORY
22nd of August 1805

AN ACT LAYING A TAX ON INDIAN TRADERS, VETOED BY THE GOVERNOR[40]

Section 1st. Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same—That every person within this Territory, who shall have or keep any store or stand for the sale of any goods, wares and merchandizes to any Indian or Indians, shall previous to offering the same for sale by himself or agent, within the Territory, or on any of the waters within or bounding the same, pay into the Territorial Treasury the sum of Twenty Dollars for each store or stand in which he or she may vend or offer such merchandize for sale; and the Treasurer on receipt thereof, shall give to such person paying as aforesaid, a Certificate in the words following, towit, "Indiana Territory, the day of . This Certifies that A B has paid me C. D. Treasurer of the said Territory, Twenty Dollars for a license to sell and vend merchandize to Indians at in the said Territory, the same being the annual tax impossed by a Law of the Territory. C. D. Treasurer." And every person obtaining such Certificate as aforesaid, shall

[40] Printed from the original bill in the English Collection, Indiana Historical Society Library.

be authorised to vend and sell merchandize to Indians at the store or stand mentioned in such Certificate for One year from the date of the same, and no longer. And if any person or persons shall presume by himself or his agent to vend or sell any kind of merchandize within this Territory, or on any of the Waters aforesaid, not having first obtained a certificate as aforesaid, he, she or they so offending, shall for every such offence forfeit and pay the sum of One hundred Dollars to and for the use of the Territory, to be recovered by action of debt in any Court of Record in the name of the Treasurer, or by presentment or Indictment. And where such action shall be brought, the Defendant shall be held to special Bail. And on complaint made to any Justice of the peace of any County in this Territory, of any person's offending against this law, it shall be lawful for such Justice, and he is hereby required to Issue a Capias directed to any Constable or other person he may think proper, requiring him forthwith to bring such offender before such Justice, who, when brought shall by such Justice be required to give Bail for his appearance on the first day of the then next Court of Common Pleas, to answer the premises, in default whereof, such offender shall be committed.

Provided always, that nothing herein contained shall be so construed as to abridge the powers now vested in the superintendant of Indian affairs or other person lawfully authorised thereto, from granting or refusing license to trade with Indians conformably to the Laws of Congress.

This Act shall be in force from and after the first day of October next.

JESSE B. THOMAS
Speaker of the House
of Representatives
P: MENARD
President pro Tempore
of the Council

Benjamin Parke to the Speaker of the House of Representatives, August 23, 1805[41]

Vincennes 23d August 1805
4 o'clock P. M.

Sir,

Having been elected by the Legislature to represent this Territory in Congress,[42] I now signify my acceptance thereof—In thus taking leave of the House of representatives, I cannot for bear expressing the high sense I feel of the importance of our new system to the infant settlements of the Territory; and if an inference of its future usefulness may be drawn from the evidence of disinterested patriotism which has already been so amply displayed, we have the fairest prospects, that, those who differed with us in sentiment will have no reason to murmur, nor the most sanguine any cause of disappointment.

Accept, for yourself and the House of Representatives, assurances of high consideration and esteem, of Sir your obt Humble Servt.

B. Parke

The Speaker of the House of Representatives

Prorogation of the Assembly[43]

[August] 26th. this day the governor prorogued the General Assembly of the Territory, to meet again on the last monday in Octr. 1806.

41 From an A.L.S. in the English Collection, Indiana Historical Society Library.

42 According to the Cincinnati *Liberty Hall,* September 10 and 17, 1805, Parke was elected as delegate by a majority of three votes. Harrison's letter introducing him to President Jefferson recommended him "as a man of unblemished morals & of the purest Republican principles. . . . " Carter (ed.), *Territorial Papers,* 7:313. Opposition to Parke's election was led by the antislavery, anti-Harrison faction in the Territory headed by William McIntosh and Isaac Darneille. Their candidate was Judge Thomas T. Davis. Davis explained Parke's election thus: "Parke voted for himself & got Elected. One member was promised a Bribe to vote against me he did so, & they have given the clerkship of the Court of Chancery to another man:—for that was the bribe." Carter (ed.), *Territorial Papers,* 7:335; Jacob Piatt Dunn, *Indiana, A Redemption from Slavery* (Boston and New York, 1905), 328-29.

43 Territorial *Executive Journal,* 128.

SUPPLEMENTARY DOCUMENTS

Reply of the Legislative Council to the Governor's Message[44]

The Legislative Council unanimously agreed to return the following answer to the Governors speech.

The Legislative council have received with great satisfaction your speech delivered to both Houses of the legislature at the opening of their first session.

We consider the present situation of the Territory as highly gratifying, when compared with that from which it has lately immerged, and we contemplate that day with pleasure which will restore us to our political rights and place us in the elevated station of a free and independent State.

The several subjects which you have particularly recommended, will engage our peculiar attention, and we beg you to be assured, that in our deliberations we shall be actuated by no other motives than for the general welfare; in the pursuits of which we will be animated by the zeal and constancy which you have always shown for the public good.

Pierre Menard,
President protempore of
the Legislative Council.

Memorial to Congress by Members of the General Assembly, August 19, 1805[45]

To the Senate and House of Representatives of the United States in Congress assembled, the petition of the subscribers, members of the Legislative Council and House of Representatives of the Indiana Territory, and constituting a majority of the two Houses respectively, humbly sheweth

[44] Reprinted here from the Vincennes *Indiana Gazette,* August 7, 1805. The wording differs from that in Esarey (ed.), ***Messages and Letters,*** 1:160-61, taken from Dawson's *Harrison.*

[45] From Dunn, *Slavery Petitions and Papers,* 476-82. This memorial was not adopted by the General Assembly as an official part of its proceedings, though the committee of the United States House of Representatives to which it was referred spoke of it as the "petition of the Legisla-

That inasmuch as there are several subjects of legislation, material to the present and future interests of the Indiana Territory which are under the controll of Congress only, they think it prudent and Just in relation to their constituents and themselves to state them for the consideration of your honorable body.

In the first place we would submit the propriety of the introduction of slaves into this Territory.[46] It is not from a sordid motive or one that springs merely from a view to the present circumstances and situation of this Country, that they urge the adoption of the measure but they consider the subject upon principles of Justice and policy—Justice in relation to slaves and policy as it regards the Southern states. The slaves that are possessed south of the Potomac render the future peace and tranquility of those states highly problematical. Their numbers are too great to effect either an immediate or a gradual simultaneous emancipation. They regret the African that was first landed in the Country and could wish that the invidious distinction between freemen and slaves was obliterated from the United States. But however repugnant it may be to their feelings, or to the principles of a republican form of Government, it was entailed upon them by those over whose conduct they had no control. The evil was planted in the Country when the domination of England overruled the honest exertions of their fellow-citizens, it is too deeply rooted to be easily eradicated, and it now rather becomes a question of

tive Council and House of Representatives of said Territory." It received the approval of only three members of the House, Johnson, Fisher, and Parke. Floyd an outright antislavery man would not support it. Dunn points out that the refusal of the proslavery members from St. Clair County to sign it rested on the part of the memorial praying that the whole Territory be advanced to statehood as one state until the population was sufficient to warrant its organization into two states as contemplated by the Ordinance of 1787. For a discussion of this and other features of the memorial, see Dunn, *Indiana,* 336-41.

46 For a discussion of the act passed by this Assembly and approved by Harrison on August 26 (Philbrick [ed.], *Laws, 1801-9,* pp. 136-39), "concerning the introduction of Negroes and Mulattoes into this Territory," see Dunn, *Indiana,* 329 ff., and Philbrick (ed.), *Laws, 1801-9,* xxxix, xlviii. The bill was introduced into the territorial House by Benjamin Parke, who, as territorial delegate in Congress, served on the U. S. House committee to which the memorial was referred.

policy, in what way the slaves are to be disposed of, that they may be least injurious to the Country and by which their happless condition may be ameliorated. When they are herded together by hundreds they cannot be as comfortably provided for as if they were scattered in small numbers on farms. That a removal to the Western Territories would relieve them from many of the hardships and inconveniences to which they are now subjected they appeal to their situation in the northern parts of the states of Maryland and Virginia and the States of Kentucky and Tennessee. They do not conceive that the greatest influx of emigrants would increase the number of blacks to such a degree as to render them in the least dangerous to the future interests of the Territory and with submission they would suggest that dispersing them through the Western Territories is the only means by which a gradual emancipation can ever be effected.

The Western Territories are immense, their situation inviting, emigration astonishly great, the population west of the Ohio must chiefly be derived from the Southern and Western States where slaves are most numerous and if no restrictions were imposed but holders and possessors of blacks permitted to remove them wherever whim or caprice might dictate, they would venture to predict that in less than a century the colour would be so disseminated as to be scarcely discoverable.[47]

In the next place we submit the propriety of a repeal of so much of the ordinance of seventeen hundred and eighty seven as relates to the exercise of the right of suffrage, and that every free male of free age and resident a certain time, or such as are liable to the payment of Taxas should have a voice in all elections.[48]

[47] The U.S. House committee to which this petition was referred reacted favorably, their report concluding with the resolution that the sixth article of the Ordinance which prohibited slavery in Indiana Territory be suspended for ten years "so as to permit the introduction of slaves, born within the United States, from any of the individual States." Dunn, *Slavery Petitions and Papers,* 497.

[48] The Ordinance provided that free male inhabitants of the Territory "of full age" who had lived in their counties or election districts two years and who owned a fifty-acre freehold were eligible to vote for representatives. The U.S. House committee reporting on this memorial resolved "that every white freeman of the age of twenty-one years, who

Your petitioners conceive that the distinction which now exists between those who are not possessed of freehold estate, to a certain extent, is invidious and unjust; and that taxation and representation ought to be inseparably connected. Those who contribute to the support of Government ought to have a voice in the administration thereof. Property is in no instance a test of merit or virtue and they do not believe that representative bodies will ever be purer or more solicitous for the welfare and prosperity of, and the impartial administration of justice in, the country under the present restrictions than if placed upon the basis above mentioned.

In the next place your petitioners would propose that the United States should cede to this Territory all the salt licks and springs in the same on condition that the Territory should exempt from taxation for the Term of seven years such lands as the United States may dispose of hereafter.[49] This measure would be mutually beneficial to the United States and the Territory. It would encourage and increase a Settlement of Public lands, as nothing is more injurious to emigrants to a new country than taxation; from the cession the Territory would obtain an adequate compensation for the proposed exemption, and with due submission they believe that these licks and springs might be managed by the Government of the Territory in a manner that would render them

had resided within the Territory twelve months, and within the county in which he claims a vote, six months immediately preceding the election, shall enjoy the rights of an elector of the General Assembly." *Ibid.*

On February 26, 1808, an act was approved extending suffrage in Indiana Territory by granting the privilege of voting for representatives to the General Assembly to every free white male above the age of twenty-one, who had been a citizen of the United States and a resident of the Territory for one year and who had title to a tract of land of fifty acres or who might become a purchaser from the United States of a fifty-acre tract or who held in his own right a town lot of the value of one hundred dollars. U.S. *Statutes at Large,* 2:469.

[49] The act of May 18, 1796, providing for the sale of land in the Northwest Territory, reserved to the United States for future disposal all the salt springs which were discovered. According to the endorsements on this memorial, on February 13, 1806, the select committee to which it was referred was discharged from considering so much of it as relates to the licks and land claims and these matters were referred to the committee on public lands. On April 8, 1806, the latter committee was likewise discharged from further consideration of the memorial.

as beneficial to the citizens of the western Country as they were under the Government of the United States. The citizens of the Territory are the most immediately interested in the Just and upright administration of whatever relates to these important possessions and in doing Justice to themselves it is believed that they will extend their benefits as far as the necessities of the western country may require.

In the next place they would submit the situation of various descriptions of claimants to land in this Territory. Under certain resolutions and acts of Congress donations of land were made to certain inhabitants thereof. The donations of four hundred acres each, to the antient inhabitants of Vincennes and the greater part of the settlement and improvement rights as also the claims for military services have been satisfied. But the donations for the inhabitants of the Mississippi settlers have never been located, although seventeen years have elapsed since the resolution therefor was passed by Congress.[50] It is true that provision was made for this purpose but it was calculated to destroy the end proposed, and it was also considered by the Governor of the Territory that he could not carry it into effect. To locate these rights as well as others that still exist in the country in a body as has been contemplated, would destroy the munificent object which Congress had in view in making the donations. The prairies comprise much the largest portion of the Country to the West of the Wabash, and if the locations were made together, a great part of them would fall within a Tract of Country possessed of neither wood nor water— Your petitioners would therefore beg leave to suggest as a measure of policy and Justice, the propriety of permitting claimants to land under any resolution or act of Congress, whose claims have been sanctioned by the Governor of the Territory, or whose claims may hereafter be adjusted and settled by the board of Commissioners respectively to enter the same with the receiver of the

50 See resolution of June 20, 1788, concerning satisfying claims in the Illinois country in Carter (ed.), *Territorial Papers,* 2:113-14, and also act of March 3, 1791, granting lands to the inhabitants and settlers at Vincennes and in the Illinois country. *Ibid.,* 339-42. See Leonard Lux, *The Vincennes Donation Lands* (Indiana Historical Society *Publications,* vol. 15, no. 4, Indianapolis, 1949) for a discussion of the claims.

land office of the District in which the claimants may reside, at such rate per acre as may be fixed and established for the sale of public lands and to receive a quantity of land at such rate equal to the amount of their claim, in such place as they may select, subject however to the provisions of the law respecting public sales of the lands of the United States.

In the next place your petitioners would wish to call the attention of your honorable body to a subject which they consider of the utmost importance. It is understood that application will be made to Congress at their next Session for a division of the Territory.[51] No measure whatever will have a more serious and pernicious influence on the interests and future prosperity of the Territory than this, and from a candid and impartial examination of the subject they can discover no plausible reason in favor of it. As it may Justly be presumed that those most familiarized with the situation and relative interests of the Territory have an opportunity of forming a correct estimate of the expediency or impropriety of this measure, they beg leave to submit a few remarks on the subject.

The seat of Government is established at Vincennes situate as near the center between the western and eastern extreme of the Territory as convenience and propriety will admit. It has been said, that the distance from the exterior parts of the Territory to Vincennes operates a serious inconvenience to the inhabitants thereof. Your petitioners believe that there is no reason neither Just nor plausible in support of the Opinion. The administration of Justice, and of the Government generally, is arranged in such a manner, that a Journey to Vincennes is in very few instances necessary. The General Court holds an annual session in each county for the trial of issues of fact belonging thereto and made up in the General Court. It is true that were there a greater number of Judges of the General Court, some delay in the trial of causes

[51] A memorial from citizens of Randolph and St. Clair counties praying a division of the Territory was referred to the same Congressional committee that was considering the petition signed by members of the Assembly. The committee reported that it was inexpedient at that time to grant the request for division. Dunn, *Slavery Petitions and Papers,* 483-92, 497.

might be saved as there could be two instead of one annual Session in each County.

But the Territory has recently adopted the second grade of Government by which a considerable expence must necessarily be incurred. Taxes will be as heavy as the people can support for several years. Land is almost the only source of Territorial revenue. If the contemplated division takes place one section of the Territory will necessarily have to support the expence that is now collected from the whole. The subject is left to the consideration of Congress.

Your petitioners will now .proceed to a subject of equal importance and the consideration of which is in some degree connected with the preceding. They wish that the United States may be relieved from the expences and inconveniences of the Territorial Government and for this purpose that the citizens of the Territory should be permitted to form a State Government as soon as their population would authorise the measure.

At.present the ordinance contemplates a division of the Territory into two States. But many years must elapse before the two sections will arrive at a degree of population by which this desirable object can be effected. With submission they would therefore propose, to connect the two divisions in one State Government, until they severally obtain a population that will authorise a division into two States. They conceive that no disadvantage could result to the United States from this arrangement and they are confident that it would be productive of essential benefits to the country. The consideration of self Government alone is sufficient to render it desirable. The Indian Title, except a part of the Piankashaw claim, has been extinguished from the Miami to the Mississippi; and from the measures recently taken by the General Government for the Surveying and disposal of Public Lands, a short time will connect all the settlements from the one extreme of the Territory to the other. It is less than three hundred miles from the Miami to the Mississippi; from the upper settlements, opposite the Missouri, it is less that two hundred miles to the Ohio; and from Vincennes on the Wabash to the Ohio it is about fifty miles.

This tract of country lies in a convenient form for a State. The character, customs and manners of the people are nearly the same; their respective interests are the same; as also the climate. soil and productions. And the country at any future period can be divided into two States if an accumulated population renders it expedient or necessary.[52]

All of which is respectfully submitted.

August 19th, 1805.

B. CHAMBERS, President of the Council,[53]

JNO. RICE JONES,
PIERRE MENARD,
} Members of the L. C.,

JESSE B. THOMAS, Speaker of the House of Representatives,

JOHN JOHNSON,
G. FISHER,
B. PARKE,
} Members of the H. Rep.

52 In response to this part of the petition the House committee resolved: "That so much of the petition . . . as prays that the two sections may be united into one State Government ought not to be granted." Dunn, *Slavery Petitions and Papers,* 497.

53 According to Dunn, Chambers afterward denied having signed the memorial. *Indiana,* 341.

FIRST GENERAL ASSEMBLY
SECOND SESSION

November 3—December 6, 1806

[The second session of the First General Assembly convened in Vincennes on Monday, November 3, 1806. Why it was postponed from the last Monday in October as announced in Harrison's order proroguing the first session is not known. The Assembly met in the home of Antoine Marchal, which had recently been leased by Knox County for a courthouse. Marchal had agreed to plaster the house and "glase" the windows by October 15. It is possible that the work was not finished in time for the Assembly to meet on October 27.[1]

[Members of the House of Representatives were Jesse B. Thomas, Dearborn County, speaker; Davis Floyd, Clark County; John Johnson, Knox County; George Fisher, Randolph County; and Shadrach Bond, Jr.,[2] and William Biggs, St. Clair County. In the English Manuscript Collection in the Indiana Historical Society Library there is a note in the hand of William H. English to the effect that on June 9, 1806, Jacob Kuykendall was elected a Representative from Knox County in place of Benjamin Parke, resigned.[3]

[1] *Ante,* 100. Minutes of Knox County Court of Common Pleas, 1801-6, pp. 233, 248 (transcript in Indiana State Library); Philbrick (ed.), *Laws, 1801-9,* p. 207.

[2] Shadrach Bond, "Jr.," nephew of Shadrach Bond, "Sr.," was elected to fill his uncle's unexpired term in the House, his uncle having been appointed to the Legislative Council. *Ante,* 23. See Philbrick (ed.), *Laws, 1801-9,* pp. ccxlvii-ccxlviii, and Louis B. Ewbank and Dorothy Riker (eds.), *The Laws of Indiana Territory, 1809-1816 (Indiana Historical Collections,* vol. 20, Indianapolis, 1934), 823, note 1.

[3] No source for this is given. Parke resigned from the House upon his election as territorial delegate to Congress. *Ante,* 100. The Knox County Court of Common Pleas at their July term issued orders to pay the various persons who had served as clerks and judges "at the late Election of a member to represent this county in the General assembly." Minutes, 1801-6, pp. 239-40. No actual evidence that Kuykendall served in the House has been found and there is no record in the Territorial Treasurer's Account Book (printed as Appendix I) of his being paid for his service in the General Assembly.

[The Councilors were Samuel Gwathmey, Clark County, Benjamin Chambers, Dearborn County, John Rice Jones, Knox County, Pierre Menard, Randolph County, and Shadrach Bond, Sr., St. Clair County.]

DOCUMENTS PERTAINING TO 1806 SESSION

Message of the Governor, November 4, 1806[4]

Fellow Citizens of the Legislative Council and House of Representatives

The progress of a Country from a state of nature to that of Civilization and improvement and from a Government in which the people have no share, to one which is founded upon Republican principles is an object the most worthy of the attention of the Philosopher and the Philanthropist.

A spectacle so interesting it is our happy fate fellow Citizens at this moment to exhibit. Too long has this fine Country possessing all the advantages of Climate Soil and situation been the home of the uncultivated Savage. It is about to assume the Character to which it was destined by nature. A virtuous and industrious people will soon render it the abode of Wealth Civilization and science.

The Government too has assumed a milder form. Instead of a Legislature not elected by, or responsable to the people, I have the honor to address myself to their Representatives Chosen by their unbiased suffrages and who being selected from the mass of Citizens must be best acquainted with their Wants and wishes and the means of serving their happiness.

This dawning of prosperity after the long reign of Political darkness which has overshadowed our Territory ought to call

[4] From a manuscript copy signed by Harrison in the English Collection, Indiana Historical Society Library. This message is printed in full in Cincinnati *Liberty Hall,* December 2, 1806. There is little variation save in punctuation, paragraphing, and spelling. Esarey includes an excerpt (taken from Dillon, *History of Indiana,* 423-24) in *Messages and Letters,* 1:199-200. This excerpt consists of only the paragraph beginning "They [the Indians] will therefore never have recourse to arms. . . ." Dillon gives no source for his quotation.

forth our grateful acknowledgments to the Almighty ruler of the universe, who is the author of all the good we enjoy and who seems to have made the happiness of the American people his peculiar Care.

If you are not as completely independant Gentlemen in your legislative Capacity as you wish to be it must be recollected that the controle which is exercised over you is only such as is indispensably necessary to preserve in our infancy a just and proper dependence upon the Parent Country and that even this controle is to be withdrawn so soon as our population shall have reached the number which is fixed by the Ordinance as necessary to entitle us to Independence.

The Uniform Confidence which I have experienced from my fellow Citizens through the whole course of my administration forbids the belief that there exists the smallest jealousy of the unlimitted power I possess over your proceedings or that there is the least apprehension that this power will be abused.[5] It has indeed ever been my practice in all my public acts to consult not only the interests but as far as possible the wishes of the people whom I have been appointed to Govern. And this I have done as well from Principle, as from a perfect conviction that I could not more effectually recommend myself to the Government from which I derive my authority. .

No forbearance however upon the part of the Government of the United States or their immediate agent ought in the least to slacken your exertions to obtain for your constituents those political rights which circumstances have for a time suspended and which a considerable accession of population can alone restore.

Every true Republican must look forward with anxious solicitude to the day which is to sever our political leading strings and to qualify us for a participation in the councils of our Country. The advantages which we shall derive from becoming a member of the American Union are too obvious to require enumeration

5 Harrison refers to that part of the Ordinance of 1787 which stated that "no bill or legislative Act whatever, shall be of any force without his [the Governor's] assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly, when in his opinion it shall be expedient."

and no circumstance of local or partial advantage ought to be suffered to retard it.

You have not under your controle Gentlemen all the means which are necessary to accelerate this important object. Something may however be done and I am persuaded you will neglect nothing that will have a tendency to promote it. For myself I declare that no consideration of personal advantage shall induce me to procrastinate a measure in which the Honor and interests of the Territory are so deeply involved.

As there is no circumstance so favorable to the increase of our population as the preservation of peace and friendship with our Indian neighbours, It is with peculiar pleasure I inform you that I have lately received from all the Tribes that are under my Superintendance the most solemn assurances of a disposition on their part, to preserve inviolate their relations of amity with the United States.[6] A continuance of this disposition is so important as well as in the score of interest as humanity that too much pains cannot be taken to preserve it—This is in my opinion far from being difficult.

The wise policy of our Government, in causing the enfluencial chiefs to visit the most populous parts of the United States have fully convinced them of their inability to support a contest with us for any length of time.

They will therefore never have recourse to arms (I speak of those in our immediate neighbourhood) unless driven to it by a series of injustice and oppression; of this they already begin to complain and I am sorry to say that their complaints are far from being groundless—It is true that the general Government have passed laws for fulfilling not only the stipulations contained in our Treaties but also those sublimer duties which a just sence of our

6 Harrison intimates that he had recently held a council with the Indians, but no report on the proceedings has been found. On July 26 he had issued a proclamation "prohibiting the sale of ardent Spirits to any Indian or Indians at this place or within 30 miles of the same during the Conference or Council which is about to be held with the different tribes of Indians." Territorial *Executive Journal,* 135. The Secretary of War wrote Harrison on October 13, 1806: "Your prudent adjustment of difficulties with the Kickapoos is highly satisfactory." Carter (ed.), *Territorial Papers,* 1:398.

prosperity and their wretchedness seemed to impose—The laws of the Territory provide also the same punishment for offences committed against Indians as against white men. Experience however shews that there is a wide difference in the execution of those laws. The Indian always suffers and the white man never—This partiality has not escaped their penetration and has afforded them an opportunity of making the proudest comparisons Between their own observance of Treaties and that of their boasted superiors—If in your review of our penal code Gentlemen any regulation should suggest itself which would promise more impartiality in the execution of the Laws in favor of those unhappy people the adoption of it will be highly acceptable to the Government of the United States and honorable to yourselves—But should you suppose it dangerous to make any discrimination in their favor—I pray you to loose no opportunity of inculcating amongst your constituents an abhorrance of that unchristian and detestable doctrine which would make a distinction of guilt between the murder of a White man and an Indian[7]

From the partial experiment which has been made it appears that a Revenue adequate to all our reasonable expences might have

[7] Securing equal protection to the Indians before the law was a recurring problem in the territorial government. An outright murder of an Indian by a white man was committed in Clark County in 1802, and, although the murderer was proved guilty by incontestable evidence, the jury returned the verdict "not guilty." Harrison, in reporting the affair to the President, stated the absolute necessity of something being done "to ensure to the Indians that protection which the laws promise indiscriminately to all persons of whatever color, nation, or religion." Dawson, *Harrison,* 45. On June 21, 1806, Harrison issued a proclamation offering $300 for the delivery to the sheriff of Knox County of one James Red, charged with the murder of a Delaware Indian, who had escaped from the Knox County jail. Territorial *Executive Journal,* 134; Esarey (ed.), *Messages and Letters,* 1:192; Dawson, *Harrison,* 85-87. His escape was a blow to Harrison's Indian policies. He reported it to the Secretary of War as one more example of the difficulty of bringing to justice white men who murdered Indians. At the same time he admitted that several of the tribes were strictly adhering to the Treaty of Greenville by surrendering their people who were guilty of murdering whites. Apparently, while not one white man had been punished for the murder of an Indian, two Indians had been executed a week before for the murder of a white man, and two more had been surrendered for a similar offense. Dawson, *Harrison,* 86.

been raised without inconvenience to the people—An unfortunate delay however in printing the laws prevented the Courts of Common pleas in several of the counties from making the appointment of assessors within the time prescribed by law and some of them did not think themselves justifiable in making them afterwards—[8] The Auditor was of course deprived of the assistance which a possession of all the county assessments would have given him in laying the Tax. He had however sufficient information to enable him to make a general assessment, that will I believe be found to be as nearly equal and just as could have been made under any circumstances and it was by my advice and direction the assessment was made—This was done from a conviction that it would be highly improper and impolitic whilst our debts were accumelating to suffer an other year to pass without collecting a part of the means of discharging them and from the belief also that the Legislature would cordially approbate an unessential deviation from the words of law when such important and salutary Consequences were to flow from it.—

This System of taxation appears to me however to be full of imperfections and by no means calculated for our situation. It has been principally borrowed from a state between which and our Territory there exists not one point of resemblance either in the state of Society or the objects of taxation—[9] The codes of the neighbouring States would give upon this important subject a more certain guide to our inexperience.

Our militia law is extremely defective and illy calculated for the State of our Society and population—Alterations might be made which would greatly facilitate the descipline of this our only defence against a foreign foe or domestic insurrection[10]

8 By an act of 1805 the courts of common pleas in the several counties were authorized to appoint on or before January 1, an assessor and collector for their respective counties. Philbrick (ed.), *Laws, 1801-9,* p. 147.

9 For a discussion of the weaknesses of the territorial tax laws, see Philbrick (ed.), *Laws, 1801-9,* pp. cxiv ff. See also Harrison's message to the following Assembly, *post,* 126-27.

10 The militia act passed at this session declared certain sections of the militia act of 1799 to be continued in force in the Territory but made no fundamental changes. Philbrick (ed.), *Laws, 1801-9,* pp. 213-14.

The laws passed at your last session for reorganising the inferior Courts, and erection of a court of Canchery have been as far as I can learn productive of considerable advantages[11]—The Judiciary System is upon the whole however far from being unexceptionable, and is indeed in one particular extreemly oppressive —I alude to the enormous Costs which are attached to the conducting a suit to final Judgment and Execution;—It is not unfrequent that an unfortunate defendant for a few weeks delay in the discharge of a debt of twenty dollars is obliged to find the means of paying fifty; This assuredly cannot be proper, and must bring ruin upon any Country where it is tolerated.

An arrangment which would give to the Circuit Courts Original jurisdiction with an appeal to the General Court established at the seat of Government it is believed would be productive of great advantages to the Citizens of the distant counties.

Your sense of Justice Gentlemen will not permit you to exact duties of your chancellor for which no compensation is allowed by law—To this highly responsable Office a salary ought to be attached as liberal as our scanty means will afford—[12]

The alterations which was made at your last session in the

[11] See *ibid.,* 108-18. For a discussion of the chancery court, see *ibid.,* clxvi-clxviii.

[12] The Assembly did not comply with this request. See Harrison's messages, 1807, 1808, *post,* 128, 166. The law creating the chancery court provided that the judge of the court should "receive such compensation as shall be allowed by law." A bill allowing compensation to the chancellor failed to pass the House in 1808 (*post,* 230). No provision was made by the Assembly for paying the chancellor until 1810, when Waller Taylor was allowed one hundred and fifty dollars for his services in that capacity. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 175. Territorial chancellors were John Badollet, 1805-6, Thomas T. Davis, 1806-7, Waller Taylor, 1807-14, Benjamin Parke, 1813-14, and James Scott, 1813-14. Territorial *Executive Journal.*

Opposition to the court was strong. It was regarded by its opponents as unconstitutional on the grounds that it was created "independent and superior to the National Court established in the Territory," and had "for it's effect the wounding and weakening of the great ligature which was intended to bind the Colony to the Nation." Carter (ed.), *Territorial Papers,* 7:547,685. Under a territorial law of March 11, 1813, the Judges of the General Court were to serve as chancellors to finish and complete the suits pending in the chancery court.

law regulating Taverns[13] have not been productive of the advantages expected from them; The design of those houses of entertainment which are Countenanced by law can, I should suppose, be no other than that of affording rest, and refreshment, to the weary travellor. This does not appear however to be the object of a majority of those who have availed themselves of the facility of procuring Licenses. Their houses are in fact the nurseries of vice. And are daily exhibiting scenes which must shock every friend of his species.

The progress of intemperence amongst us outstrips indeed all calculation, and the consequences of its becoming general are such as I shudder to unfold—Poverty, and domestic embarrassment, and distress, are the present effects—and a prostration of morals and change of Government, must inevitably follow. The virtue of its Citizens is the only support of a Republican Government—destroy this, and our country will become a prey to the first daring and ambitious Chief which it shall produce—I am concious that no law can effect a reform in those who are already given up to intoxication, and that it is not in your power to stop entirely the destructive Torrent.—You may however save thousands of the rising generations by reducing the number of those houses which alure them to gambling and debauchery, and subjecting those which shall be tolerated to the strictest regulations—The disease is a desperate one I would apply the remedy with a strong and steady hand—

From this unpleasant subject I call your attention Gentlemen to one which will produce far different sensations—The liberality of Congress has by a considerable donation of land placed in your hands the means of endowing two Seminaries of learning in different districts of the Territory; The one allotted for the Vincennes district has been already located—and that which is intended for the district of Kaskaskias will also be designated as soon as the

13 Philbrick (ed.), *Laws, 1801-9,* pp. 114-15. The 1805 act transferred the licensing of taverns from the county courts of general quarter sessions to the courts of common pleas, removed the restrictions limiting customers' accounts to $3.00, and omitted the penalties set out in the 1795 act for disorderly conduct, drunkenness, and unlawful games.

surveys in that quarter are completed—the great want of schools in the Territory will no doubt form a sufficient motive with you to bring apart of this fund into operation as soon as possible.[14]

Upon the whole Gentlemen the duties which the good opinion of your fellow Citizens have devolved upon you are important and difficult—The difficulty will however be greatly lessened if unanimity and concord should prevail amongst you, Party spirit is the bane of all public bodies—

Let me entreat you to set an example of forbearance and accommodation—In proportion to its novelty and our inexperience in political affairs, so will be the honor attached to it. The situation of our country may indeed require of its citizens every sacrifice of private views for the public good—Recent intelligence from our Southwestern frontier renders it highly probable that at this moment a war may have been begun with a nation which would not have dared to insult us if she were not sure of support from the power which has subjected almost the whole of Europe to his dominion—Ere long we may be called upon to Contribute our mite to the general defence—If this should be the case, it would afford me inexpressable satisfaction to shew to our Government, that there is not a man in the Territory who would not willingly abandon his domestic enjoyments for the dangers and hardships of the Camp when ever his services should be required—

In this posture of affairs your usefulness Gentlemen will not be confined to these walls—Possessing the confidence of your fellow Citizens, you may inculcate amongst them by precept (as I am sure you will by example) the necessity of Industry economy and a faithful obedience to the laws—But above all that ardent love of Country which is the parent of every noble action—Teach them to appreciate the felicity of their situation—The Citizens of

[14] Township 2 south, range 11 west, in what is now Gibson County, had been designated for the use of a seminary of learning. Secretary of the Treasury to John Badollet, October 10, 1806, in Carter (ed.), *Territorial Papers,* 7:394-95. The Assembly passed an act incorporating a university to be known as Vincennes University and naming trustees who were to dispose of a portion of the seminary township in order to establish the school and then lease the remaining land for the use of the school. Philbrick (ed.), *Laws, 1801-9,* pp. 178-84.

a great and free nation—the only republic on earth—the only Country where persecuted liberty has found an assylum—

WILLM HENRY HARRISON

INDIANA TERRITORY
November 4 1806

TREASURER'S REPORT

SR. I have the honer to inclose a statment of the Treasury accounts prepared in obediance to the law for the appointmt. of an Auditor and Territorial Treasurer pased Augt. 26th one thousand eight hundred and five 1805[15]

I am with respect your obedi[en]t st.

JAS. JOHNSON

The Honorable the spaker of the house of Representetivs of Indiana

[Endorsed:] Nov. 12 Refd. to Com. Ways & Means viz. Johnson Bond & Floyd appd. 5th.

[Enclosure]

Acct. of cash pd. out by Treasurer

1806	No.		$	Cts.
Augt. 8th 1st R[eport]	3	pd. Audit[or]s warant favour of E. Stout printer of Laws for the Territory out of contingt. fund..	300	00
" 22d	8	pd. Robert Baird for copying laws pased 1804 pr. order of the Governer Audited	47	70
"	7	pd. John Springer an express pr. order of the Governr Audt.	4	00
Septr. 2d	16	Sam. McKee four days writing for Legislatr in 1803 Aud[ite]d	16	00

[15] The law required the treasurer and auditor to present a statement of their accounts to the legislature during the first week of each session. Philbrick (ed.), *Laws, 1801-9,* pp. 145-46. The documents printed here are from the English Collection, Indiana Historical Society Library. The treasurer's report contains some entries that are not in the Treasurer's Account Book printed *post,* Appendix I.

"	"	7	pd. Anthony Marshal Hous rent for the use of the Legislatr up to the 29th July 1806 Auditd.....	50 00
"	3d	4	pd. B. Parke Attorney General his salery commencg. the 4th Augt. 1804 & ending 3d Augt. 1806 Audited	60 00
"	"	12	pd. Isac Decker an express pr. order of the Governer Auditd.....	18 00
"	"	11	pd. John R. Jones Attorney General his salery from the 24th Septr. 1803 to August 1804 at 60 dolls. pr. year Audited	51 66⅔
"	"	13	pd. H. Hurst Clark to Legislatr. in 1802 & 3 thirten days at 4 dolls. pr. day Audited	52 00
"	"	14	pd. B. Parke fees under law of 24th Septr. 1803 up to 4th Augt. 1806 also balance due under Law of 26th Augt. 1805 Auditd.....	77 75
2d R				
"	4th	10	pd. Treasurers salery comme[ncin]g the 5th Septr. 1805 & ending 3d Septr. 1806 Audited....	100 00
"	5	0	pd. Auditor his salery comme[ncin]g the 5th Septr. 1805 & ending the 4th Septr. 1806.....	150 00
Octobr.	7th	17	pd. Genl. W. Johnson postage on leters on Territorl. busin[es]s pr. order of the Governr. Audited pd. out of contingt. fund	8 40
3d R				
"	16	5	pd. T. Dubois for stationary furnished the Legislatr. Auditd.....	69 75
"	"	18	pd. B. Parke balance of acct. as Attorney Generl. up to the 2d Augt. 1806 Audited	132 25

"	"	6	pd. Abrah[a]m Defrance door keeper to Legislatr 26 days chairs furnis[he]d &c.	40 50
"	"	4	pd. E. Stout printr. publishing extract from the Law laying a tax on land Audited	8 25
"	"	15	pd. R. Buntin for making duplicat of taxation for yr. 1806 Audited	20 00
				1206 26⅔

4 R

Cash recd. into the Treasurey Contra

1806			$	Cts.
Augt.	8th	By cash recd. of Danel Solivan Collector of revenue for County of Knox pd. out of contingt. fund	300	00
"	22d	By cash recd. of Danel Solivan Collector of revenue for County of Knox.....	200	00
"	29	By cash recd. of Aaron Prether Collector of revenue for County of Clark.....	800	00
Septr.	3d	By cash recd. of H. Hurst Clark to Generl. Court tax on process from 17th Decr. 1803 to 1st Septr. 1806....	260	50
Octobr.	16	By cash recd. of Danel Solivan Collector of revenue for County of Knox after discounting forty eight dolls. fees upon eight hundred dolls.....	252	00
		Amount of cash recd.....	1812	50
		Amount of Do. pd. out as on left page	1206	26⅔
		Whole balance remening in Treasurey	606	23⅓

Novr.	8th	After the above statment was made out I recd. of R. Bunten Clark of the Common pleas tax on process commen[cin]g the 2d of Septr. 1804 & ending July Term 1806	46	50
		Which leavs a balance in Treasurey of six hundred and fifty two dolls. & seventy three & a third Cts.	652	73⅓

Auditor's Report

Auditors report of the ac[coun]ts audited by him from Septr. 16th 1805 untill Octr. 9th 1806

1805			No.	Dolls	Cents
Septr.	16	For Benjamin Parke for his servises rendered as Attorney Genl. beginning on the 4th of August 1804 and ending on the 3d of August 1805	1	60	00
Novr.	25	For Charles Killgore for making out abstracts of the Land in Dearborn County	2	17	25
1806					
Apl.	8	For Elihu Stout for printing the Laws of the Territory	3	300	00
		do For advertiseing abstracts for non residents	4	8	25
July	30	For Tousaint Dubois for Stationary furnished for the use of the Legislature	5	69	75
	31	For Abraham Defrance for his servises as Door keeper and articles furnished for the Legislature	6	40	50

Augt.	3	For Antoine Marchall for the use of the Legislature in the year 1805	7	50	00
	22	For Robert Baird for Copying the Laws of The Territory	8	47	70
	"	For John Springer	9	4	00
	26	For James Johnson Treasurer	10	100	00
	29	For John Rice Jones as attorney Genl. from the 24th of Septr. 1803 untill the 4th of August 1804 at $60 pr year	11	51	66⅔
		For Isaac Decker for his Servises as Express	12	18	00
		For H. Hurst for his servises as Clerk to the Governer and Judges in their Legislative capasety in the years 1802 & 1803	13	52	00
		For Benjamin Parke for his servises as atty Genl.	14	77	75
		For Robert Buntin for his servises rendered in making out Duplicates for Taxation for the present year..	15	20	00
		Amt. brot forward		$916	86⅔
Augt.	29	For Samuel McKee for his servises as Clerk to the Governer & Judges	16	16	00
October	6	For Genl W. Johnston for his servises rendered as Post Master in sending sundry Letters &c from the secretaries office for the use of the Territorey	17	8	40
	9	For Benjamin Parke for the balance of his Salary as Attorney Genl.	18	132	25
				$1073	51⅔

[Endorsed:] Novr. 8. Refd. to Com: Ways & Means viz. Johnson Bond & Floyd appd. 5th

Resolutions Passed by the General Assembly[16]

[No Date]

Resolved, unanimously, by the Legislative Council and House of Representatives of the Indiana Territory, That a suspension of the sixth article of compact between the United States, and the Territories and States northwest of the river Ohio, passed the 13th of July, 1787, for the term of ten years, would be highly advantageous to the said Territory, and meet the approbation of at least nine-tenths of the good citizens of the same.

Resolved, unanimously, That the abstract question of liberty and slavery is not considered as involved in a suspension of the said article, inasmuch, as the number of slaves in the United States would not be augmented by the measure.

Resolved, unanimously, That the suspension of the said article, would be equally advantageous to the Territory, to the States from whence the negroes would be brought and to the negroes themselves.

To the Territory because of its situation with regard to the other States, it must be settled by emigrants from those in which slavery is tolerated, or for many years remain in its present situation, its citizens deprived of the greater part of their political rights, and indeed, of all those which distinguish the American from the citizens and subjects of other Governments.

The States which are overburdened with negroes would be benefitted by their citizens having an opportunity of disposing of the negroes which they cannot comfortably support, or of removing with them to a country abounding with all the necessaries of life; and the negro himself would exchange a scanty pittance of the coarsest for a plentiful and nourishing diet, and a situation which admits not the most distant prospect of emancipation, for one which presents no considerably obstacle to his wishes.

Resolved, unanimously, That the citizens of this part of the former Northwestern Territory consider themselves as having claims upon the indulgence of Congress, in regard to a suspension of the said article, because at the time of the adoption of the ordinance of 1787 slavery was tolerated, and slaves generally pos-

[16] Printed in Dunn, *Slavery Petitions and Papers,* 507-8.

sessed by the citizens then inhabiting the country, amounting to at least one half of the present population of Indiana, and because the said ordinance was passed in Congress when the said citizens were not represented in that body, without their being consulted, and without their knowledge and approbation.

Resolved, unanimously, That from the situation, soil, climate, and productions of the territory, it is not believed that the number of slaves would ever bear such proportion to the white population, as to endanger the internal peace and prosperity of the country.

Resolved, unanimously, that copies of these resolutions be delivered to the Governor of this Territory, to be by him forwarded to the President of the Senate, and to the Speaker of the House of Representatives of the United States, with a request that they will lay the same before the Senate and House of Representatives, over which they respectively preside.

Resolved, unanimously, That a copy of these resolutions be delivered to the delegate to Congress from this Territory, and that he be, and he hereby is, instructed to use his best endeavors to obtain a suspension of the said article.[17]

JESSE B. THOMAS, Speaker of the
House of Representatives.
PIERRE MENARD, President *pro tem*
of the Legislative Council

17 These resolutions were read in the U.S. House on January 20 and in the Senate on January 21, 1807. On February 12, Benjamin Parke, Indiana delegate in Congress and chairman of the House committee to which the petition was referred, made a report favorable to the suspension of the sixth article of the Ordinance. *Annals of Congress,* 9 Congress, 2 sessions, 38, 375-76, 482-83. The report is printed in *ibid.*, 482-83, and in Dunn, *Slavery Petitions and Papers,* 509-10.

SECOND GENERAL ASSEMBLY
FIRST SESSION

August 17—September 19, 1807

[The first session of the Second General Assembly convened at Vincennes on August 17, 1807.[1] Members of the House were Jesse B. Thomas, Dearborn County, speaker; James Beggs, Clark County; General Washington Johnston and Luke Decker, Knox County; George Fisher, Randolph County; and Shadrach Bond, Jr., and William Biggs, St. Clair County. Elections had been held for representatives on the first Monday in February (February 2), 1807, under the law passed at the preceding Assembly.[2]

[The Council was composed of Samuel Gwathmey, Clark County, Benjamin Chambers, Dearborn County, John Rice Jones, Knox County, Pierre Menard, Randolph County, and Shadrach Bond, Sr., St. Clair County.

[Davis Floyd served as clerk of the House and Henry Hurst as clerk of the Council. Samuel Hayes was chosen doorkeeper. Floyd's election caused considerable comment due to the fact that only three days before he had been convicted of involvement in the Burr conspiracy.[3]

[Besides the session laws this Assembly also passed on a revision of acts formerly in force made by John Rice Jones and John Johnson.[4]]

[1] According to an announcement in the Vincennes *Western Sun,* Harrison called the legislature to meet on the seventeenth. Issue of July 25, 1807. The title page of the laws gives the opening date as the sixteenth. Since August 16 fell on Sunday, it seems likely that the session began on the seventeenth.

[2] Philbrick (ed.), *Laws, 1801-9,* p. 175.

[3] See sketch of Floyd, *post,* Appendix II. In a letter to their constituents concerning the work of this session General Washington Johnston and Luke Decker wrote, "In the choice and selection of our immediate officers, we selected those who appeared most *deserving*—whatever *interest* may have heretofore suggested, or may hereafter suggest to the contrary also, notwithstanding." Vincennes *Western Sun,* October 3, 1807.

[4] The revision was made in compliance with resolutions passed by the Assembly in 1805 and 1806. Philbrick (ed.), *Laws, 1801-9,* pp. 153, 217. In regard to the revision Johnston and Decker wrote in the letter

DOCUMENTS PERTAINING TO 1807 SESSION

Message of the Governor, August 18, 1807[5]

Fellow Citizens of the Legislative Council and House of Representatives

The existence of difficulties in the execution of our revenue law, which could not be overcome but by the interposition of the legislature, has occasioned your convention at an earlier period, than that which was assigned by the prorogation which terminated your last meeting.[6] I regret the inconvenience which this measure has probably occasioned to some of you, gentlemen, but the public exigencies could not, in my opinion, admit of delay, and I was moreover persuaded, that you would think with me, that the calls of official duty, were paramount to every private or personal consideration.

I have directed the auditor to lay before you, gentlemen, a statement of the causes, which have produced the embarrassments in the collection of the taxes for the present year, which will enable you to determine more correctly on the remedy that is to be applied.[7] An amendatory act to the one which is now in force, may

cited in the preceding note: "The laws of the territory heretofore in force, have been revised, and brought each subject, under its proper head. This was a work of no inconsiderable task to the revisors, and merited an adequate remuneration.—It was also the subject of a lengthy and arduous examination and deliberation in the legislature. The members whereof, are but too young in legislation to fully come up to your wants and desires, no doubt—but it is fondly hoped, that the revision of our laws, if it does not completely deserve your encomiums, and meet your most sanguine expectations, will yet answer the present exigencies, and more than counterballance the expences which the territory may have incurred by it." Vincennes *Western Sun,* October 3, 1807.

5 From the Vincennes *Western Sun,* August 22, 1807. This message is also printed in Dawson, *Harrison,* 94-99. There is very little variation between these printings save in punctuation, spelling, and paragraphing. It is also in Esarey (ed.), *Messages and Letters,* 1:229-36. The message as given to the *Western Sun* was dated the seventeenth, but it was delivered to the Assembly on the following day.

6 No proclamation proroguing the second session of the first Assembly and naming the date for the next session is given in the Territorial *Executive Journal.*

7 See *ante,* 114, and note 8. Special acts were passed at this session authorizing tax collections in Knox, St. Clair, and Randolph counties, and

answer for the present; but nothing less, in my opinion, than a total change in the whole system, will save us in future from the disagreeable consequences of a deficient revenue, and an empty treasury. The defects in the present system were early foreseen, and at the opening of the last session, I strongly recommended to the two houses the adoption of a different plan. The combination of so many circumstances, such as this law requires, must always render the execution of it uncertain and precarious—It appears to me, also, that it is bottomed upon an improper principle; the *quantum* and *ratio* of the tax should be fixed by the legislator alone, and not by an executive officer. This important subject, gentlemen, claims your earliest attentention; it will require the exercise of much industry and patience, to remedy the evils which have arisen from the present unfortunate system, and to provide one which shall give certainty and stability to your revenue. In affairs of this kind, experience is the best guide which the legislature can follow—he will seek out cases that are parallel to the one, on which he is called to act, and will thus possess himself of sure land marks, to guide him to his object. In the present instance there is no necessity of a recurrence to foreign or distant examples—the neighboring states affording precisely what we seek. A people similar in manners, in habits, and in the state of information, raising their revenue from the same object.—Notwithstanding the embarrassments which have hitherto attended our financial operations, gentlemen, there is one consolatory circumstance, which has been fully established—that a revenue equal to all our necessities can be raised, & that too, without oppression or inconvenience to the people.[8]

to authorize the collection of taxes due in Knox County for 1806, no taxes having been collected in that county for that year. Philbrick (ed.), *Laws, 1801-9,* pp. 552, 558, 592, 674. A new act for the levying and collection of a tax on land was also passed. *Ibid.,* 592-602.

[8] A letter from Johnston and Decker published in the Vincennes *Western Sun* on October 3, 1807, throws some light on the revenue question: "From the reports of the auditor & territorial treasurer, it appears that we were in debt at the commencement of the present session, one thousand nine hundred and sixty seven dollars and ninety eight cents. But as the counties of St. Clair, Randolph and Dearborn have not paid into the treasury their quota of the taxes for the years 1806 & 7 and

The organization of the inferior courts, which was adopted at the first session, continues as far as I am informed, to produce all the good effects, which was expected to flow from it.

No session of the court of chancery has yet been holden;[8] whether the blame is attributable to the chancellor, or to the legislature, in not providing him a compensation, I shall not attempt to determine—it is, however, a state of things, which cannot but produce great inconvenience and distress to the suitors, in that court, and a speedy remedy ought certainly to be applied. If in the review gentlemen, which you shall take of the other parts of the judiciary system, it should appear susceptible of improvement, in the important points of facilitating the operations of justice, and lessening the burdens to its attainment, the adoption of it, would no doubt be grateful to your constituents.

The law which was passed at the last session of the legislature, for regulating marriages, does not authorize the clerks who issue the licenses, to demand security of the applicants that there exists no lawful impediment to the proposed union. This omission which I suppose was accidental, occasions a very glaring inconsistency in our code—conforming to the practice in most of the United states, our laws consider and punish bigamy as a capital offence. The facility with which licenses may be procured, and the want of authority in the person who issues them, to ask a single question of the applicants, seems to invite to the commission of an offence, which is deemed sufficiently heinous, to merit the punishment of death.—It is certainly better, when it is practicable, to prevent crimes, by regulations which the unprincipled and wicked cannot evade, than by the infliction of punishment. An amendment to the law in question, which should direct the applicants for licenses to give bond & security in a small amount of their legal ability to

Knox is yet in arrears for 1806 and the whole of the year 1807. It is beyond a doubt that should there not be more delinquencies than we ought reasonably to calculate upon, that we shall in a short time have more in our treasury than will be sufficient to discharge all our debts."

9 The Vincennes *Western Sun* of September 12, 1807, and following issues, carried notices of cases to come up in the court in November, See *ante,* 115, and notes 11, 12.

marry, would probably save many unsuspecting females, from being made the victims of their credulity.[10]

Connected in some measure with this subject, is the law authorizing the general and circuit courts to grant divorces. The propriety and policy of a law of this kind, has been strongly contested in many parts of the United States; and it is believed that the principle has been every where condemned, save in one or two states only.—It cannot be denied, that the success of one applicant for a divorce, has always the effect of producing others, and that the advantages which a few individuals may derive from the dissolution of this solemn contract, are too dearly purchased by its injurious effects upon the morals of the community. The scenes which are frequently exhibited in trials of this kind are shocking to humanity; the ties of consanguinity and nature are loosened: the child is brought to give testimony against the parent; confidence and affection are destroyed; family secrets disclosed, and human nature is exhibited in its worst colours. In the time of the Roman republic, divorces might be obtained by a summary and easy process, but so great was the abhorrance of them amongst these enlightened people, that in a period of five hundred years, but one person had been found to take advantage of the priviledge which the law allowed—but when their manners became corrupted by luxury, divorces were so common that applications were frequently made to the college of Augurs to ascertain the father of a child born in legal wedlock. A few years ago there were but two instances on record in the state of Virginia of applications for divorces; one only of these had been successful, and although that was acknowledged to be a case which had as strong claims to indulgence as any that could happen, it was nevertheless opposed by some of the most enlightened patriots of the state, upon the principle, that it was better for an individual to suffer some inconvenience, than that an example should be established, so in-

[10] The law passed by this Assembly regulating marriages is given in Philbrick (ed.), *Laws, 1801-9,* pp 251-52. It provided regulations for publishing the intention to marry or for obtaining a license to marry from the clerks of the courts of common pleas for a stipulated fee, but did not authorize the clerk to demand security of the applicants that there was no lawful impediment to the marriage as Harrison requested.

jurious (as they supposed) to the morals of the community. There ought certainly, however, to be some tribunal for granting divorces; but I am decidedly of opinion, that this power can no where be so properly lodged as with the legislature.[11]

The perfection of the militia system, gentlemen, is an object of the first importance. To render it an efficient and competent protection to our country in time of war, it is requisite that its organization & dicipline should be attended to in time of peace. I fear, however, that our progress in these essential points, will fall far short of the public expectation, and my wishes; unless the state of our treasury will authorize the disbursement of a small sum as a compensation for a staff officer in each county, to attend to the disciplining the men and regulating the returns. It gives me pleasure to state that some degree of military spirit begins to manifest itself in several parts of the territory, and that there is a probability that we shall at least furnish our quota of volunteers, to serve upon the terms of a late act of Congress.[12] The deficiency

[11] No new law regulating divorce was passed. A law respecting divorce, passed by the Governor and Judges of the Northwest Territory in 1795, granted the General Court and circuit courts jurisdiction in divorce cases. Absolute divorce was allowed for attempted bigamy, impotence, or adultery, and separation from bed and board allowed for extreme cruelty. This law was repealed by the Governor and Judges of Indiana Territory in 1801 but re-established in 1803 with the stipulation that it would be in force until the end of the first session of the General Assembly. The 1805 Assembly continued in force the existing law with slight alteration. Pease (ed.), *Laws of the Northwest Territory,* 258-60; Philbrick (ed.), *Laws, 1801-9,* pp. cxxix, 15, 65-66, 107, 323-25.

It is impossible to say how many divorces were granted by the courts since many of the records have been lost. An examination of the record of the circuit court held at Jeffersonville in 1806 and 1807, shows three absolute divorces and one legal separation. Property settlements and arrangements for children were made by the court. Microfilm copy of Clark County Circuit Court Record, in Record of Courts of Oyer and Terminer, General Jail Delivery, and Circuit Court held by Federal Judges, 1802-13, Box 38, Genealogy Division, Indiana State Library.

[12] Approved February 24, 1807. The act authorized the President to accept the services of a number of volunteer companies. U. S. *Statutes at Large,* 2:419-20. The *Western Sun* reported on August 29, 1807: "We understand that in consequence of some backwardness having manifested itself among the militia of this county in turning out as volunteers to serve upon the terms mentioned in the act of the last session of Congress—the Governor appointed a meeting of the two companies on the Deshee,

of arms and accoutrements, throughout every corps of the militia, is however, truly alarming, and disgraceful—men in easy circumstances are not ashamed to appear upon the parade without a firelock, or bearing one which would be more harmless to an enemy, than the sticks carried by others—Whilst we should pity, and endeavor from the public purse to furnish those who are unable to supply themselves, those who are able, & neglect to equip themselves, should be denied the honorable appellation of defenders of their county.[13] One of the principal characteristics which distinguishes the citizens of a free government, from the subjects of a despotic one, is the right of keeping arms, and that any American should neglect to avail himself of this valuable priviledge, manifests a supineness which is highly censurable. It is possible gentlemen, that the moment is not far distant, when every capable man will be called upon to assume the character of a soldier: The situation of our affairs on the Atlantic coast, as well as on this frontier, makes it necessary that there should be no delay in preparing ourselves for the worst that may happen. A restless and dissatisfied disposition has manifested itself among some of the neighboring tribes, and a few individuals are believed to be decidedly hostile. It gives me pleasure, however, to state, that I have within a few days, received from two of the tribes, the most positive assurances of friendship, and their unalterable de-

on this day week, and after addressing them on the subject of the late aggressions upon our sovereignty and national honor, a fine company of brave and active citizens was instantly formed, ready to march against the enemies of their country—we are informed that a meeting for a similar purpose will be held in the donation in the ensuing week . . . "

[13] The deficiencies in the militia were stressed in Harrison's letter to the Secretary of War a few days after his message: "I am . . . doing all in my power to organize and discipline the Militia of the Territory. As it is almost impossible to find persons who are acquainted even with the rudiments of tactics, I am obliged to perform alternately the duties of commander-in-chief Adjutant and even drill corporal. The habits of my early life are not however so far obliterated as to make this duty irksome or unpleasant, were it not for the great deficiency of arms and accoutrements. We have cavalry without swords, light infantry without bayonets or cartridge boxes and battalions armed with a mixture of rifles, fowling pieces, broken muskets and sticks. To a man accustomed to the uniformity of a regular and disciplined army, these things are really shocking." Esarey (ed.), *Messages and Letters,* 1:244.

termination to submit themselves entirely to my direction. These assurances, although in my opinion sincere, ought not entirely to be relied upon; and the preparation ought still for defence to go on, until the real disposition of all tribes is perfectly ascertained.[14] Although [that] the agency of a foreign power is producing the discontents among the Indians cannot be questioned, I am persuaded that their utmost efforts, to induce them to take up arms would be unavailing, if one only of the many persons, who have committed murder on their people could be brought to punishment; whilst we rigorously exact of them the delivery of every murderer of a white man; the neglect on our part to punish similar offences, committed on them, forms a strong and just ground of complaint, for which I can offer no excuse or paliation[15]—A powerful nation, rendering justice to a petty tribe of savages, is a sublime spectacle, worthy of a great republic; and of a people who have shewn themselves as valiant in war, as in peace moderate and forbearing. I do not know gentlemen, whether it will be in your power, to remedy the evil complained of, as the defects seems to be not so much in the laws, as in the execution. But if any means can be adopted which would insure the execution of justice in any cases in which the Indians are concerned; the measure would reflect honor on yourselves, and be of undoubted advantage to your country.

The sale of the public lands in the district of Vincennes, since the last session of the legislature, and the preparations for open-

[14] On July 11, 1807, Harrison wrote to the Secretary of War, "The several branches of the Miami Tribe are immovable in our interest The Influencial chiefs of the Delawares are equally so but if the machinations of the Prophet should be successful in getting these removed I cannot answer for the fidelity of the rest of the tribe." *Ibid.*, 1:224.

[15] See *ante*, 112-13, and note. In the letter quoted in the previous note Harrison also wrote: "They [chiefs of the Delawares] have certainly great cause of irritation against us in consequence of our being unable to bring to justice any one of those miscreants who have murdered their people. This is made a handle of by the malcontents amongst the other tribes and has given a very unfavorable opinion of our impartiality and justice. The apprehension and punishment of Red [a white man who murdered a Delaware] would at this time be attended with the most beneficial consequences." *Ibid.*, 1:224.

ing other land offices,[16] gives us a nearer prospect of the accomplishment of our hopes and wishes, by the formation of a state government. An event of so much importance to the prosperity and character of the country, ought to be accelerated by every means within our reach.

I Should not do justice to my own feelings, and perhaps disappoint your expectations, gentlemen, should I neglect on this occasion, to mention a subject, which has greatly agitated our country, and called forth the warmest expressions of patriotic ardour, from every class of its citizens.—The United States, true to those principles, which ought to prevail in every republic; preferring happiness to splendor, and safety to glory; have endeavored to abstract themselves from the entangling politics of Europe; and by practising the most perfect neutrality to keep clear of those bloody wars which have so long desolated the finest quarter of the globe! The justice and impartiality of her conduct towards the belligerents, has not however been reciprocated—and from one of those powers, insult and injury have followed each other, in quick succession; and promised satisfaction been anticipated by further outrage! The ships of our merchants pursuing a legal commerce, upon that ocean, to which all have an equal right; have been captured plundered, and their men impressed to serve a foreign tyrant, and shed their blood in battles in which they have no interest. For these agressions, our government without mingling with its politics, those passions, which agitate the breasts of monarchs, and which produce the greater part of those wars which overwhelm their unhappy subjects, with misery and ruin: have demanded redress, but have demanded it in vain, still calculating, however, upon the existence of a better disposition, on the part of the power which had injured us. That *last resort*, which is literally "a trial of who can do the other the most harm," was depricated by the people, as well as by the government—and as long as there remained the most distant hope of an amicable adjustment; argument and negociation, were thought preferable to war. This delusion has, however, passed away, and has given place

[16] The Jeffersonville Land Office, established in 1807, opened in April, 1808. Carter (ed.), *Territorial Papers,* 7:506.

to the opinion, that moderation and forbearance have been mistaken for timidity and fear. Some nations like some individuals, will not profit by the lessons of experience. Great Britain might have remembered, that the arms of America were not palsied by the previous use of remonstrance—A blind fatality hurries her on to that destruction, which America had no wish to accelerate; and an act of tyranny and injustice, surpassing any thing that can be found, even in the history of her depredations upon neutrals, has converted an useful friend into a foe, able to punish her for her multiplied agressions.

The blood rises to my cheek when I reflect on the humiliating, the disgraceful scene, of the crew of an American ship of war mustered on its own deck by a British Lieutenant for the purpose of selecting the innocent victims of their own tyranny.[17]—But an act of this kind was perhaps necessary, to convince all our fellow-citizens, that they had nothing to expect from British generosity or justice, when these were opposed by British interest. The unheard of outrage has made a deep impression upon the American mind; citizens of every political denomination are rallying round the standard of their country, and pledging their lives and fortunes, in support of her rights. I should do injustice to the well known patriotism of our territory to suppose that either yourselves, or your constituents, gentlemen, felt less on this interesting occasion, than the rest of your countrymen. We are, indeed, from our situation, peculiarly interested, in the contest which is likely to ensue; for who does not know that the tomahawk and scalping knife of the savage, are always employed as the instruments of British vengeance. At this moment, fellow citizens, as I sincerely believe, their agents are organizing a combination amongst the Indians within our limits, for the purposes of assassination and murder—and if these their worthy allies, are not let loose to slaugh-

[17] Harrison refers to the Chesapeake-Leopard incident (June 22, 1807), when the American frigate "Chesapeake" was stopped by the British "Leopard" whose commander demanded the surrender of four seamen claimed to be deserters from British ships. The American commander refused, and the "Leopard" opened fire. The "Chesapeake," unprepared for battle, was forced to surrender. The British found only one deserter, but three American seamen were forcibly removed.

ter our women and children, it will not proceed from the humanity and mercy of a nation, which boasts of her attainments in every art and science.

At this important crisis, but one sentiment should animate the breast of every American, disregarding every personal consideration, he should think only of the tie that binds him to his country; and confiding in the wisdom and firmness of his government, he should patiently wait the signal which calls him to the field.—How deep the humiliation! How lasting the disgrace! How injurious to the cause of republicanism, Should the blood of our murdered fellow-citizens remain unsatisfied, or unrevenged! But it cannot be, Americans must prize to highly their dear bought rights, tamely to surrender them to the proud nation from whom they were wrested. A beneficent and discriminating providence will make us the objects of his peculiar care; another WASHINGTON will arise to lead our armies to victory and glory, and the TYRANT of the world will be taught the useful lesson, that a nation of FREE MEN, are not to be insulted with impunity!

INDIANA TERRITORY, 17th August, 1807.

WILLIAM HENRY HARRISON

REPLY OF THE HOUSE OF REPRESENTATIVES TO THE MESSAGE OF THE GOVERNOR, August 19, 1807[18]

HIS EXCELLENCY, WILLIAM HENRY HARRISON, GOVERNOR OF THE INDIANA TERRITORY,

Accept sir, the United thanks of the House of Representatives, for the speech which you delivered to the two branches of the Legislature on the 18th instant—in which we discover nothing more than those *true* and Independent principles which compose the *patriotic heart.*

The subjects which you have taken notice of in your speech—the injurious consequences resulting from them—and the impropriety of their continuances are, we are assured from experience, far from being chimerical.

[18] From Vincennes *Western Sun,* August 22, 1807. Printed also in Dawson, *Harrison,* 99-100, and Esarey (ed.), *Messages and Letters,* 1:236-37.

We have seen sir, and with you regret the *insufficiency* of our militia system—and by every constitutional exertion in our power, will endeavor to avert the great calamity of immediately falling a sure prey to any, and every savage or dastardly foe, which would surely and inevitably be our case under our present military or defensive arrangements.

The recent lawless and piratical conduct of some of the officers of the British navy upon one of the United States vessels, riding at anchor in the waters of peace, and near the shores of honest content, and she too, in an unprepared state of defence, harrows up our very souls, and fires our just indignation—we are assured that nothing but unpunished *example* dared them to the commission of so unwarrantable, base and truly despicable deed; highly *honorary* and *immitative* of the nation and government under which they serve.—Suffer us sir, to assure you, that but one sentiment animates the Representatives of the sons of Indiana, who esteem themselves heirs to freedom—and until the last drop of *blood* shall be drained from our *hearts* we will defend ourselves, our rising posterity, and the freedom of America.

With equal pleasure with yourself, we view our present progressive population, which is, as it were, the corner stone of that desirable arch (we mean a free and Independent state) in the completion of which alone, we will ever be useful or ornamental to our general government—and we most ardently pray that our superstructure may have the three necessary and inimitable qualities of *beauty, strength* and *wisdom* which will secure us our true standing amongst the states of the Union.

It is with heart felt pleasure and real satisfaction that we unanimously acknowledge sir, our firm belief, that we shall receive your co-operation in any measure that may be deemed for the general good.

JESSE B. THOMAS,
Speaker of the H. R.

ST. VINCENNES, Aug. 19, 1807.

The Governor's Reply to the House of Representatives, August 20, 1807[19]

Mr Speaker & Gentlemen of the House of Representatives

Your approbation of the Sentiments contained in my address to both Houses is extremely grateful to my feelings, and your expressions of indignation & Resentment at the late unparallelled outrage upon our National flag is such as I should expect from the Representatives of Indiana.

Willm Henry Harrison

Indiana Territory 20th August. 1807

Reply of the Legislative Council to the Message of the Governor, August 20, 1807[20]

Sir, The Legislative Council cannot but regret the necessity that existed, of convening the legislature at an earlier period than that to which it stood prorogued; but as we agree with you, that the calls of official duty are paramount to every private or personal consideration, we cheerfully attend to execute the important trusts confided to us, by our constituents.

We are convinced that some alterations are necessary to be made in our revenue laws; and our earliest attention will be given, as well to their amendment, as to the bringing of them to as great a degree of perfection as possible; having at the same time a due regard to those principles of equity and justice, as to the raising and collection of taxes, which ought to actuate all legislative bodies.

We are sorry to hear that the wilful murderer of a friendly Indian, should not meet with that condign punishment, which the heniousness of the offence, (much more dangerous in its probable consequence than can be foreseen) justly merits.—Our individual exertions shall not be wanting, and we hope & believe that every good citizen will give his aid and assistance in bringing the perpe-

[19] A.L.S. in English Collection, Indiana Historical Society Library.
[20] From Vincennes *Western Sun,* August 22, 1807.

trators to trial before the proper tribunals. But as laws have already been enacted, as well by the general, as the territorial governments sufficiently adequate to the punishment of the offence, we can but regret that they are not rigorously executed—If the existing laws cannot be inforced, any other legislative acts on the subject, would, in our present opinions, be useless—any methods, however, that may be pointed out to remedy the evil, and bring such atrocious offenders to trial and punishment, will meet with our entire approbation.

The repeated and premeditated outrages committed on our commerce by the ships of Great Britain, we considered as acts of dastardly meanness and insolence, unworthy of a nation which calls herself great, & boasts of her attainments in every art and science. But the recent attack and capture of one of our frigates even on our own shores, the murder of several of our fellow citizens, and the seizure of four others of them, in direct violation of national faith, and national honor, is such an instance of cowardice and oppression, as calls aloud for the vengeance of freemen.

In this territory, we believe there exists but one sentiment, that of confidence in our general government, a determination to support our rights at the risk of our lives and fortunes, and of cheerfully obeying the signal which may call us to the field.—The various other subjects recommended to our consideration, will meet our earliest attention—In the performance of our various duties we feel assured of your useful co-operation.

BENJ. CHAMBERS,
President of the L. C.

ST. VINCENNES, Aug. 20, 1807

MEMORIAL TO THE GENERAL ASSEMBLY FROM CITIZENS OF PALMYRA TOWNSHIP, KNOX COUNTY[21]

At a meeting of a number of the citizens of Palmyra Township, at Mr. John Durham's, on the first day of August, 1807, the following Resolutions were unanimously adopted.

Resolved, That our Representatives to the General Assembly,

[21] From Vincennes *Western Sun,* August 15, 1807.

be, and they are hereby instructed and requested to endeavour, and if possible obtain a reduction of the fees of the general court.

Seeing the election or choice of a delegate to represent this territory in Congress is to be made at the ensuing session of the legislature; *Resolved therefore,* That our Representatives do support Mr. Parke, as such delegate, and in case of opposition, or his declining to offer, then they are hereby instructed to obtain a public declaration from such other candidate of his principles, and have sufficient proof and assurance of his moral character and patriotic views—and that our Representatives vote for none but such as are attached to an administration founded upon republican principles.

JOHN OCKELTREE, Presidt.
BENJ. D. PRICE, Clerk.

MEMORIAL TO THE GENERAL ASSEMBLY FROM THE CITIZENS OF HARRISON TOWNSHIP, KNOX COUNTY[22]

At a meeting of a number of the citizens of Harrison Township, convened at Benjamin Beckes's Esqr. the following resolutions were proposed and unanimously adopted.

1st. *Resolved,* That the resolutions passed at John Durham's on the first day of August, do meet our approbation.

2d. *Resolved,* That our Representatives do endeavor to have a vagrant act passed.[23]

3d. *Resolved,* That our Representatives endeavor to pass an act agreeable to the Ordinance of the Territory and the Constitution of the United States, giving validity to the award of arbitrators in civil cases, when one of the party is desirous to have his case arbitrated.

4th. *Resolved,* That our Representatives endeavor to pass an act to prevent vice and immorality, by severe fine on those who keep gaming houses, or other houses of bad fame.

5th. *Resolved,* That our Representatives endeavor to have an act passed to authorize certain persons to sell the lots purchased

[22] From Vincennes *Western Sun,* August 15, 1807.

[23] An act concerning vagrants was passed at this session. See Philbrick (ed.), *Laws, 1801-9,* pp. 566-68.

by the court, to erect the court house &c. on, and that disinterested persons be appointed to purchase other lots more suitable.[24]

6th. *Resolved,* That Benjamin Beckes do furnish our representatives with a copy of this days proceedings.

BENJ. BECKES, Presidt.
J. MARSHALL, Clerk.

REMONSTRANCE TO THE GENERAL ASSEMBLY FROM THE FRENCH INHABITANTS OF VINCENNES[25]

Resolutions, passed at a meeting of the French inhabitants of Vincennes, at the house of Madame Page, on Sunday the 16th August, 1807.

RACICOT, President.
WM. M'INTOSH, Secretary.

Resolved, That the president and Secretary, draw a petition and remonstrance, to the legislature in the name of the proprietors of land in the lower prairie, setting forth, that the existing laws respecting common fields, are inapplicable to the circumstances of the said inhabitants, and praying the repeal of those laws, and the passage of a law to authorise them to enclose and embank their said lands, and that the same be delivered to Genl. W. Johnston, Esq. to be presented.[26]

Having maturely considered the information, laid before this meeting by Genl. W. Johnston, Esq. of the steps taken by the

[24] In 1807 John Rice Jones and Robert Buntin, acting for the court, purchased two lots at the corner of Fourth and Buntin streets for the courthouse. Considerable protest was made against the location, but the building was erected there. It was completed in 1813. *History of Knox and Daviess Counties,* 150, 243; Knox County Record of Common Pleas and County Business, 1806-10, p. 18.

[25] From Vincennes *Western Sun,* August 22, 1807.

[26] The remonstrance apparently came as the result of a motion introduced in a meeting of the board of trustees of Vincennes University to curtail the use of the Vincennes Commons by the French inhabitants. Johnston, who was clerk of the board, had opposed the motion and it had been defeated for the time being. Communication of "Sand & Rosin" in *ibid.,* April 6, 20, 1808. The Assembly passed an act authorizing proprietors of land in the Lower Prairie to enclose the same. Philbrick (ed.), *Laws, 1801-9,* pp. 580-90.

board of trustees for the Vincennes university, respecting the commons.

Resolved unanimously, That any attempt to divest the town of Vincennes of the right of the commons and investing the trustees of the university therewith, would in the present state of the territorial government be unjust: considering the actual circumstances of the said inhabitants, and that our representatives be requested to oppose in the legislature any attempts which may be made there, to address the general government, in any manner tending to deprive the town of Vincennes of the right of the commons, which they now enjoy, under a law of congress. And if their efforts should not be successful, that Genl. W. Johnston, Esq. and William M'Intosh, draw a petition in the name of the inhabitants of Vincennes, to the general government praying, to avert so great a calamity.

That for some time the French inhabitants, of Vincennes have felt with deep regret, and chagrin, that the men to whom they candidly and fully confided, their political trusts, have not only failed to realize the promises, and assurances which we too credulously relied upon, "That the burdens, under which we labored, would not only be alleviated, but almost entirely discontinued if we voted for the second grade of government;" but that on the contrary these burdens have accumulated, & as we too clearly perceive, will continue to increase: *Resolved,* Therefore unanimously, That we do withdraw our confidence, and support from those men forever; and that our representatives be requested and advised, not to vote for any candidate to represent the territory in congress, who advocated, or in any manner promoted, the second grade of our government.

Resolved, That the president of this meeting present a copy of their proceedings to Genl. W. Johnston, Esq. one of our representatives: and another to the editors of the W. Sun, for publication.

WM. M'INTOSH, Secretary.

(A true Copy.)

THE SECRETARY OF THE TERRITORY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, August 20, 1807[27]

SECRETARYS OFFICE VINCENNES August 20th 1807.

SIR, I do myself the honour of transmitting to you the Census of four Counties of this Territory.

I am Sir very respectfully your very humble Servant.

JOHN GIBSON Secrety

THE HONBLE THE SPEAKER of the house of Representatives.

Census of the free Male Inhabitants of four Counties of the Indiana Territory, of the age of 21 years and upwards, agreeably to the return of the Sheriffs now in this office.[28]

In the County of Dearborn.....	616
In the County of Clark.....	828
In the County of Knox.....1080	
In the County of Randolph.....	676
Total	3200

PETITION OF THE TERRITORIAL AUDITOR, September 8, 1807[29]

TO THE HON[OR]ABLE THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

Your Petitioner begs Leave to State to your Honorable Body that Michael Jones Register of the Land Office in Kaskaskia has sent him an account against the Indiana Territory for making out abstracts of the Lands lying in Randolf & Saint Clair Counties to the amount of one hundred and four Dollars and eighty Cents and as he feels unwilling to audit said account with without the consent of the Legislative Body he wishes they would examine the said abstracts and make an allowance for him as they may think proper as well as in all other cases of the same nature

27 A.D.S. in English Collection, Indiana Historical Society Library.

28 This return was made in compliance with the resolution passed by the Assembly in 1806 to enable the Governor to apportion additional Representatives to the Assembly. Philbrick (ed.), *Laws, 1801-9,* p. 177.

29 From the Archives Division, Indiana State Library.

He also begs leave to present to them a coppy of the attorney Genls Report to him with respect to the collection of fines assessed by the Genl. Court & the Court of Common Pleas of Knox County.

He farther begs leave to sugest to them that when he was furnished with the abstracts of the Land in Randolf and Saint Clair Counties he could not make them out in the time that the Law required for them to be delivered to the assessors of said Counties without the assistance of two Clerks which he hired to assist him therefor he wishes an allowance for the assistant Clerks of twenty Dollars for each assistant Clerk

And your Petitioner will in duty bound for ever pray &c[30]

PETER JONES

Septr. 8th 1807

PETITION OF DANIEL SULLIVAN, 1807[31]

TO THE LEGISLATIVE COUNCILL AN HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY; The Petition of Daniel Sullivan Humbly prays and sheweth:

That your petioner was appointed assessor for the County of Knox under an act of the Legislature entitled "an act for Levying and collecting a tax on Land and for other purposes" and by the said act the auditor was directed to transmit to the assessors of the respective counties by the first day of January annually complete lists of the entries of lands in each county[32] That your petioner did not receive the said lists or abstracts untill the 18th day of January; in consequence of which your petioner had not time to make an assesment agreeable to the requisitions of said act and return the same to the court of common pleas by the 15th day of February as directed by the 7 section of said act That your petioner notwithstanding proceded to take the lists of lands and value the same, and also made out an abstract of assesment which abstract

[30] The Assembly allowed the amounts requested in the petition. Philbrick (ed.), *Laws, 1801-9,* pp. 606-7.

[31] From a manuscript in the Archives Division, Indiana State Library.

[32] This was an act of 1805. Philbrick (ed.), *Laws, 1801-9,* pp. 147-53.

your petioner returned to the Court some time after the fifteenth day of February, your petioner therefore prays that you will pass a Law legalising said assesment and valuation of Lands as made by him

Your petitioner further states that he was appointed by the said court under said act as collector of the Territorial tax for said county & by 11 & 12 sections of said act the auditor is directed to make out fair and correct abstracts for each county and transmit the same to the several collectors on or before the first day of May; and your petitioner did not receive the said corrected abstracts until the 18th of May Your petitioner as collector was directed by the 13 Sec. of said act to demand payment of the Tax due by each person by the 25th day of May; in which time to wit from the 18th day of May untill the 25th it was impossible for your petitioner to ride over the county and make a demand of the Tax as directed by 13 section of said act—nevertheless your petitioner proceeded to the collection of the said Tax as soon as the nature of the case would admit of and collected the whole of said tax except about $240, which arrearages is principally due from nonresidents & others who refuse to pay said tax—by the said act the Collector is directed to sell the Lands assesed in case the owner thereof neglect or refuse to pay the tax thereon, upon advertiseing the same for at least 40 days in some public newspaper in this Territory. Your petitioner states and which is known almost to every citizen of the Territory that at the time the said advertisement should have been published the only newspaper that was published in the Territory was suspended; Consequently your petitioner could not comply with sd act in selling lands for the nonpayment of Taxes—your petitioner therefore prays that you may pass a law authoriseing the collector for the present year to collect the Tax in arrear for the year 1806—

Your petitioner farther suggests the propriety of his being allowed an additional compensation for the Tax collected by him as he collected the same at a time and in a manner not obligatory upon him by law your petitioner further states the allowance of 10 cents pr each man is not a sufficiency for assesing lands & makeing returns to the court of appeals but that ten cents for

each original clamants name is not more than ought to be allowed him there being many unconfirmed clames which your petitioner was obliged to [as]sess & value the court of appeals rightly judging; that it would be giveing unnessary trouble to the collector therefore strack out said unconfirmed tracts of land and no compensation has or will be made by the auditor for assesing said unconfirmed tracts of land all of which your petitioner humbly submits to the consideration of your Honourable Bodies confident that you will pass an act for his relief and your petitioner will as in duty bound ever pray[33]

Gentlemen I am verry Respectfully your Humble servt

DANIEL SULLIVAN

[Endorsed:] Danl. Sullivan's Petition Praying for an act to be passed legalizing the assessment made in 1806 & praying that the collector for this year may be authorized to collect the arrearages for the year 1806—also an additional compensation for his extra services Committee Mr Johnston Baggs & Bond

RESOLUTIONS OF THE GENERAL ASSEMBLY[34]

The Legislature of the Indiana Territory, composing a part of the Federal government of the U. S. of America; a government too, which affords every blessing to be derived from a full & free enjoyment of life, liberty and property, and other social advantage flowing from a Republic, cannot but express the horror and indignation with which they view the late outrage committed by the British navy, on the rights of our government, in a lawless attack on one of her vessels, when not only in the peaceable use of that ocean, over which no nation on earth can claim an exclusive privilege, but within the acknowledged jurisdiction of our government; contrary to the known laws of nations, in violation of existing treaties between the two governments, and at the expense of that Independence so recently wrested from their hands.

[33] The assessment and valuation as made by Sullivan was legalized, and he was empowered to collect the arrearages for 1806 for which he was to be allowed 10 per cent on the sums collected, the same as granted to the county sheriffs as collectors by a new act passed in 1807. Philbrick (ed.), *Laws, 1801-9,* pp. 485-86, 574-75.

[34] From Vincennes *Western Sun,* August 29, 1807.

On a subject which so materially affects very part of the union; we view it as essential, that the general government should know the sentiments which pervade every part of its territory.

Resolved therefore unanimously by the Legislative Council and House of Representatives, That we consider the line of conduct pursued for some time past by the British agents and officers of its navy, in regard to the United States, unjust as a friend, unwarrantable as a nation, and will justify the most rigorous measures on the part of our government.

Resolved unanimously, That the Legislature of Indiana, have the fullest confidence in the administration of the general government, in pursuing such measures as will ensure to its most distant branches the blessings which can alone be enjoyed under a free government; and while we regret that the infant state of the population of our territory, denies us a rank with our parent states in the defence of our country; we will to the utmost of our power, aid the general government in such measures as may be thought necessary to avenge any insult tending to lessen its national dignity, or disturb its internal tranquility.

Resolved unanimously, That his excellency the governor of this territory, as commander in chief, and every subordinate officer, do exert themselves to have the militia properly organized and disciplined, and to excite in them a zeal for the defence of their rights and liberties, for which they will no doubt receive the thanks of their country.

Resolved, That his Excellency the Governor be furnished with duplicate copies of these resolutions, with a request to transmit them to the President of the United States.

JESSE B. THOMAS Speaker H. R.
BENJ. CHAMBERS, President L. C.

Nominations for the Legislative Council, August 31, 1807[35]

In General Assembly of the Indiana Territory

St. Vincennes August 31, 1807

His Excellency the Governor of the Territory having notified the House of Representatives of the resignation of Shadrach Bond as a Member of the Legislative Council from the county of St. Clair.[36]

The House then proceeded to Ballot for a person to be nominated to the President of the United States from St. Clair County, to supply the said vacancy, and on counting the Ballots, it appeared there were for

Shadrach Bond Junior	Five
John Messenger	One

Shadrach Bond Jr. was therefore declared duly nominated.

The House then proceeded in like manner to nominate another person from the County of St. Clair and on counting the Ballots it appeared that Thomas Todd was nominated.[37]

By Order Jesse B. Thomas
Speaker of the House of Representatives

[35] From Esarey (ed.), *Messages and Letters,* 1:245-46.

[36] The resignation of Bond, Sr., and Pierre Menard, councilors from the two Illinois counties (see *post,* 153) occasioned considerable political comment and activity. Both George Fisher and Shadrach Bond, Jr., who were named to the Council to succeed them were members of the House. The election ordered in St. Clair and Randolph counties to fill these vacancies became an impassioned contest between those desiring a division from Indiana Territory and those opposing it. The election in St. Clair County was held on July 25, 1808, and the one in Randolph County on August 31. Prodivisionists John Messinger, of St. Clair County, and Rice Jones, of Randolph County, were victorious. For discussions of this election see Dunn, *Indiana,* 365-67, and Philbrick (ed.), *Laws, 1801-9,* pp. l-li, ccl-ccli. For the action in the House concerning the disputed election of Jones, see *post,* 160 and note.

[37] Shadrach Bond, Jr., was nominated by President Jefferson on January 28, 1808, and approved by the Senate the following day. U. S. Senate, *Executive Journal,* 2:68. Harrison forwarded his commission to him, and asked Bond to recommend a time for holding an election to supply the vacancy created in the House by his election to the Council. Harrison to Bond, undated letter, English Collection, Biographical File, Indiana Historical Society Library.

The Speaker of the House of Representatives to Thomas Jefferson, September 2, 1807[38]

Vincennes, 2d Sept. 1807

Sir: I have the honor herewith to forward you the nomination made by the House of Representatives of this Territory of persons fit to fill the office of a member of the Legislative Council.

I am Sir your most obt. and very humble servt.

Jesse B. Thomas

Thomas Jefferson, Esqr. President of the United States.

Veto Message of the Governor, September 2, 1807[39]

Gentlemen of the House of Representatives

I Return to you, an act regulating the Fees in the General Court and for other purposes, to the fifth Section of which I have the following objections.

1st That It appears to me to be unconstitutional that an Executive officer should hold his commission by a different Tenure than the Chief majistrate from whom the Comision Issues. The policy of the United States as Manifested in every feature of the Ordinances, is to preserve a Certain Controul over the Executive department of the Territory; directly over the Governor, and through him over the other Executive Officers. It may be alledged, that an instance of the Existance of a different Opinion in my mind Exists in the approbation given to a Law which directs that the Clerks of the Court of Common pleas should hold their offices during good Behaviour But I have ever considered the Law in that respect unconstitutional, and I should not have passed it, if the Clause containing the provision had not Escaped my notice.

My second objection is—that it appears to me to be highly impolitic & improper in the present state of the Territory to give commissions to any executive officer during good behaviour because the Legislative Council is the only tribunal before which

[38] From Esarey (ed.), *Messages and Letters,* 1:247.

[39] From a document partly in the hand of the territorial secretary, John Gibson, and partly in the hand of Harrison, and signed by Harrison, in the English Collection, Indiana Historical Society Library.

they can be tried; & the difficulty trouble and expense which would attend a trial before that body are so great that the people would be disposed to have many direlictions from duty on the part of their officers rather than encounter them—I think also that I can hazard the opinion that in the whole of the United States there exists not an instance of an executive or ministerial officer whose commission comes from the Governor who holds it by the Tenure of good behaviour—I have no other objection to the passage of this law & that Section being removed I will sign it with pleasure

WILLM HENRY HARRISON[40]

INDIANA TERRITORY 2nd Septr 1807

ELECTION OF DELEGATE TO CONGRESS, September 3, 1807[41]

INDIANA TERRITORY ss

This is to certify that on this day the Legislative-Council and House of Representatives of the said Territory, being assembled in the Representatives Chamber, conformably to a joint resolution of both Houses, proceeded, by joint ballot to the election of a Delegate to represent the said Territory in the tenth Congress of the United States; when upon counting the ballots it appeared that Benjamin Parke was duly elected;—and thereupon the said Benjamin Parke was declared to be duly elected to represent the said Indiana Territory in the said tenth Congress of the United States. Given at Vincennes the third day of September in the year Eighteen hundred & seven

JESSE B. THOMAS Speaker
of the House of Representatives

B. CHAMBERS President
of the Council

Teste DAVIS FLOYD Clk House Reps'ts
H HURST C.L.C.

[40] "An Act regulating the Fees in the General Court, and for other purposes," passed the Assembly and was approved by Harrison on September 14, 1807. The section to which Harrison objected was removed. Philbrick (ed.), *Laws 1801-9,* pp. 560-62. See memorial, *ante,* 138-39.

[41] From Carter (ed.), *Territorial Papers,* 7:476.

VINCENNES 16th Sept 1807

SIR I have the Honor herewith to transmit to you a certificate of the Election of B Parke Esqe as the delegate to Congress from this Territory[42]

I am Sir yr Obt Servt

JESSE B. THOMAS

THE HONBL THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES—

[Postmarked:] Lawrenceburgh I. T. 4 Octr 1807 Free

VETO MESSAGE OF THE GOVERNOR, September 8, 1807[43]

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I feel myself constrained to refuse my approbation to an Act which Orriginated in your House entitled "An act concerning the Attorney General and for other purposes."

Because by the second Section of the Said Act[44] the Appointment of Attorneys to prosecute the Pleas of the United States in the Several Counties is vested in the Several County Courts whereas the Ordinance declares that all the civil officers of the

[42] The vote for delegate was as follows: Parke, 8; John Rice Jones, 1; Waller Taylor, 1; Shadrach Bond (Jr. or Sr.?), 1. Vincennes *Western Sun,* September 12, 1807. The *Sun* announced Parke's candidacy on July 25, 1807. Johnston and Decker in their letter to their constituents said: "In the election of our Delegate to Congress, we conceive we have done nothing more than discharge the duty which devolved upon us as your representatives—whatever *little spleen, animosity and party motives* might suggest to the contrary, notwithstanding." Vincennes *Western Sun,* October 3, 1807.

[43] A.D.S. in English Collection, Indiana Historical Society Library.

[44] This section read: "Be it further enacted that the respective Courts of Common pleas in the several Counties in this Territory shall and may appoint when and as often as circumstances require attornies to prosecute the pleas of their respective Counties administering to them at the time of their appointment the oath to support the Constitution of the United States and the oath of office who shall severally be allowed a sum not exceeding Sixty dollars (at the discretion of the Court, making the appointment) to be paid them out of the respective County Treasuries upon the Order of the said Court." The bill also provided a salary of one hundred dollars a year for the attorney general, and stipulated that the fees collected by him in prosecuting county business should revert to the counties for their own use. From copy of bill in Historical Bureau.

Territory not particularly excepted by the said Ordinance shall be appointed by the Governor—

I have no objection to any other part of the law—

WILLM HENRY HARRISON

INDA TERRITORY 8th Septr 1807

MESSAGE OF THE GOVERNOR: SALE OF ARMS AND AMMUNITION TO THE INDIANS, September 8, 1807[45]

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

The information which I have lately received from the Indian Country increases the probability that at no very distant period we shall be involved in hostilities with some of the Indian Tribes. By the same conveyance I have also received the most explicit assurances that the tribes immediately Contiguous to us are firmly determined to preserve their relations of amity with us. But should the more distant Tribes commence a war, there will unquestionably be found amongst those which are generally friendly Individuals who will supply the others with arms and amunition purchased in our settlements.—The Laws of the United States will be sufficient to prevent our Citizens from furnishing articles of that kind *immediately* to those which are hostile—But no law of the United States exists for preventing them from being obtained from our Citizens in the settled Country through the medium of the Neutral tribes nor do I believe that Congress will Legislate on that subject —I therefore recommend to you Gentlemen that a law may be passed impowering the Executive of the Territory in case of a war between the United States and any Indian Tribe or tribes to prohibit the sale of arms and amunition to any neutral tribe or Tribes when in his Opinion the public safety requires such prohibition—The Law might with propriety be limited to one year and from thence to the end of the next Session of the General Assembly[46]

WILLM HENRY HARRISON

INDIANA TERRITORY Septr 8th, 1807

[45] D.S. in the English Collection, Indiana Historical Society Library.

[46] The Assembly acted on Harrison's suggestion. See Philbrick (ed.), *Laws, 1801-9,* pp. 590-92.

Report of the Governor: Contingent Fund
September 11, 1807[47]

Vincennes 11th Septr 1807

Sir I have the Honor to enclose herewith a Statement of the monies drawn from the Treasury out of the Contingent fund which is by law subjected to the order of the Executive & which I request you to lay before the House over which you preside—

I have the Honor to be with great Respect Sir your Hum[bl]e Sevt

Willm Henry Harrison

The Honble The Speaker of the House of Representatives

[Enclosure]

Dr — The Contingent fund of the Indiana Territory in account current with Wm H. Harrison Governor thereof — Cr

1807			1807	By the annual appropriation for a Contingent fund for the present year	200"[51]
Augst 15	For Cash paid Tous[sain]t Dubois for sending an express to Detroit	15 00[48]			
" "	Ditto paid Fred Penniston for inserting a proclamation in his paper for apprehending James Red	4 00[49]			
" "	Ditto pd Moses Keller for going express to the Register of the Kaskaskia district	30 00[50]			

47 D.S. in the English Collection, Indiana Historical Society Library.

48 Record of the payment of this sum is in the Territorial Treasurer's Account Book. *Post,* 914.

49 *Ibid., post,* 910. Francis Peniston was editor of the Louisville *Western American* which was published for a brief period in 1806.

50 *Ibid., post,* 910.

51 According to the appropriation act passed at the preceding session of the General Assembly the sum of five hundred dollars was allowed for contingent expenses. Philbrick (ed.), *Laws, 1801-9,* p. 206.

Augst 29	Ditto to Genl W Johnston postmaster at Vincennes for postage of packages & letters on Territorial business	22	89½52
Sept. 11	Balance unexpended & remaining in the Territorial Treasury this day	128	10½
		Dollrs 200 —	Dollrs 200 —

VINCENNES 11th Septembr 1807 — WILLM HENRY HARRISON

NOMINATIONS FOR THE LEGISLATIVE COUNCIL, September 12, 1807[53]

IN GENERAL ASSEMBLY, INDIANA TERRITORY
ST. VINCENNES, 12 Sept. 1807

THE HOUSE OF REPRESENTATIVES being informed by Pierre Menard from the County of Randolph of his resignation as a member of the Legislative Council of this Territory;[54] proceeded by Ballot to the nomination of two persons to the President of the United States, to fill the vacancy in the Legislative Council, occasioned by the resignation of the said Pierre Menard, when upon counting the ballots:

George Fisher was declared duly nominated.[55]

[52] *Ibid.*

[53] From Esarey (ed.), *Messages and Letters,* 1:253.

[54] Menard's letter of resignation to Governor Harrison is dated September 19, 1807, seven days after the House nominated a successor. Harrison forwarded the resignation to President Jefferson saying that it had been announced to the House at an earlier date. Esarey (ed.), *Messages and Letters,* 1:256, 263.

[55] Fisher was nominated by President Jefferson on January 28, 1808, and approved by the Senate the following day. U. S. Senate, *Executive Journal,* 2:68. See *ante,* 147, note 36.

The House then proceeded in like manner to the nomination of another person when upon counting the Ballots

James Finney[56] was declared duly nominated.

By Order JESSE B. THOMAS
Speaker of the House of Representatives

MEMORIAL TO CONGRESS, September 19, 1807[57]

IN THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES IN THE INDIANA TERRITORY:

Great solicitude has been evinced by the citizens of this Territory on the subject of the introduction of slaves. In the year 1802 a special convention of delegates from the respective counties petitioned Congress for a suspension of the sixth article of compact, contained in the ordinance of 1787. In 1805 a majority of the members of the Legislative Council and House of Representatives remonstrated with Congress on the subject. In 1806 the Legislative Council and House of Representatives passed sundry reso-

[56] For a sketch of Finney, see Philbrick (ed.), *Laws, 1801-9,* p. cclxxi.

[57] From Dunn, *Slavery Petitions and Papers,* 515-17. These resolutions aroused the antislavery section of the Territory and a meeting was called in Clark County to take the action of the Assembly "into consideration." John Beggs was named chairman, and Davis Floyd, secretary. A memorial to the U. S. Senate and House of Representatives, drafted by a committee which included among others Charles Beggs and James Beggs, was adopted by the meeting. It stated that at the time the resolutions passed the Legislative Council "there were only three members present, who, for certain reasons, positively refused to sign the said resolutions; and they were reduced to the last subterfuge of prevailing on the president to leave his seat, and one other member to take it as president *pro tem.,* for the purpose of signing the said resolutions. Whether this is right or wrong, judge ye." The memorial requested Congress to suspend any action on the slavery question until the Territory attained statehood and adopted a constitution of its own, and stressed the fact that persons were immigrating into the Territory with the express purpose of living in a place free from slavery.

The U. S. Senate committee's report on both the legislature's memorial and the Clark County memorial, concluded with a resolution "that it is not expedient at this time to suspend the sixth article of compact, for the government of the Territory of the United States northwest of the river Ohio." *Ibid.,* 518-21.

lutions, which were laid before Congress, declaratory of their sense of the propriety of admitting slaves; and, as the citizens of the Territory decidedly approve of the toleration of slavery, the Legislative Council and House of Representatives consider it incumbent on them briefly to state, on behalf of themselves and their constituents, the reasons which have influenced them in favor of the measure.

In the first place, candor induces us to premise that, in regard to the right of holding slaves, a variety in opinion exists; whilst some consider it decent and just to acquire them either by purchase or conquest, others consider their possession, by either tenure, as a crime of the deepest stain; that it is repugnant to every principle of natural justice, of political rights, and to every sentiment of humanity. Without entering into the merits of this controversy, it need only be remarked, that the proposition to introduce slavery into the Territory is not embraced by them. It is not a question of liberty or slavery. Slavery now exists in the United States, and in this Territory. It was the crime of England and their misfortune; and it now becomes a question, merely of policy in what way the slaves are to be disposed of, that they may be least dangerous to the community, most useful to their proprietors, and by which their situation may be ameliorated.

As the law of Congress, prohibiting the further importation of slaves into the United States, takes effect the 1st of January next, it is evident that the proposed toleration will not increase the number in the United States.

It is believed (and has not experience verified the fact?) that such is the number of slaves in the Southern States, that the safety of individuals, as well as the political institutions of those States, are exposed to no small hazard. However desirable it may be to emancipate them, it can never be done until they are dispersed; it would be equally impolitic for the whites as for the slaves. The great current of emigration is constantly flowing from the Eastern and Southern States to the Western States and Territories. The increase of population in the Western country for the last twenty years may afford some idea of its probable amount in the course of the present century; it must be immense; and were all the terri-

tories opened to the introduction of slaves, a large proportion of them would naturally be drawn from the Southern States.

From a reference to the States of Kentucky and Tennessee at the time of the last United States census, it is not believed that the number of slaves would ever become so great as to endanger either the internal peace or future prosperity of the Territory. It is also rendered improbable from the interior situation of the Territory, its climate and productions.

Slavery is tolerated in the Territories of Orleans, Mississippi, and Louisiana; why should this Territory be excepted.

It is believed that slaves, possessed in small numbers by farmers, are better fed and better clothed than when they are crowded together in quarters by hundreds; their situation in Kentucky, Tennessee, and the back parts of Maryland and Virginia verify this belief.

Resolved, By the Legislative Council and House of Representatives of the Indiana Territory, That it is expedient to suspend for a given number of years the sixth article of compact, contained in the ordinance for the government of the Northwestern Territory, passed the 13th day of July, in the year 1787.

Resolved, That a copy of the foregoing be forwarded to the Vice President of the United States, with a request that he will lay the same before the Senate; and that a copy be forwarded to the Speaker of the House of Representatives, with a request that he will lay the same before the said House of Representatives; and that the Governor of this Territory be requested to forward the same, as aforesaid.

JESSE B. THOMAS,
Speaker of the House of Representatives.
SAMUEL GWATHMEY,
President pro tem. of the Legislative Council.
Passed the Legislative Council, September 19, 1807
Attest: H. Hurst, Chief Clerk.

Prorogation of the Assembly[58]

[Saturday, September 26, 1807]

The General Assembly was on Saturday last[September 19] prorogued, by his excellency the governor, to meet again on the third Monday of November, in the year eighteen hundred and eight.

58 From Johnston and Decker's letter to their constituents in Vincennes *Western Sun,* September 26 and October 3, 1807.

SECOND GENERAL ASSEMBLY
SECOND SESSION

September 26—October 26, 1808

HOUSE OF REPRESENTATIVES

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY. Began and held at the Town of Vincennes, on Monday the twenty sixth day of September one Thousand eight[hundred] & eight, and of the Independence of United States the thirty third.[1]

On which day, being the day appointed by His Excely. The Governor of the Territory for the meeting of the General Assembly—The following members appeared & took their Seats.

From Dearborne Jesse B. Thomas Speaker
Knox Genl. W. Johnston & Luke Decker
St Clair William Biggs

Two other members viz
From St Clair John Messenger &
Randolph Rice Jones appeared produced their Cridentials & took their Seats[2]

On motion Ordered that the officers of the House appointed at the last session be considered & taken as the officers at this session

Davis Floyd having sent in his resignation as clerk to this House, Ordered that this House will tomorrow morning Proceed to the Election of a clerk in his stead. Also Ordered that John Caldwell be appointed clerk Pro Tem:

On motion Ordered That a committee be appointed[*] to examine and report to this House upon the certificates, & other cridentials, of the members returned to serve therein at this Session

[1] From manuscript Journal in Archives Division, Indiana State Library. The Journal was printed in the issues of the Vincennes *Western Sun,* November 5, 1808, through January 14, 1809. See *post,* 162 and note 5 on the reason for convening the Assembly at this time.

[2] James Beggs, member from Clark County, did not appear until October 17, *post,* 228.

and That Messrs. Genl. W. Johnston & William Biggs be that Committee

On motion Ordered That Rice Jones be & he is hereby appointed a Committee on the part of this House, to Act in conjuction with such Committee as may be appointed on the part of the Legislative Council, to contract for Stationary et cetera for the use of both Houses of the Legislature at their present session— And that the Clerk of this House do carry this Resolve to the council & desire their concurrence thereto.

On motion Ordered that the Rules & Regulations for the government of this House and the Joint rules of both Houses, adopted at last session, be & they are hereby considered & taken as the Rules for the present session. And that the Clerk of this House do inform the Legislative council thereof & desire their concurrence thereto.—

On motion Resolved, that unless otherwise Ordered; The daily hour to which this House shall stand adjourned, during the present session be nine oClock in the forenoon.

On motion Ordered That the Certificates and cridentials of John Messenger and Rice Jones, be refered to the committee of Ellections[*]

On motion Ordered that this House do adjourn untill tomorrow morning at nine oClock.

And then the House adjourned accordingly.

Tuesday 27th September 1808.

The House met according to adjournment

On motion Ordered That the Clerk of this house do inform the Legislative Council That this House have formed a quorum & are now ready to proceed to Legislative business.

Mr. Johnston from the Committee of Elections reported that the Committee had examined the certificates & cridentials which were refered to them, of the following members—Viz

From the County of Randolph Rice Jones

St. Clair John Messenger. And find them duly Elected & entitled to a seat in this House.

On motion The house concurred in the said report—And

thereupon, the Oath to support the Constitution of the United States and the Oath of office was administered to Messrs Jones & Messenger by Luke Decker Esqr. a Judge of the Court of Common Pleas of Knox.—

The Speaker then laid before the House a written document containing the grounds and Evidence accompanied by the Petition of Robert Robinson, to set aside the Election of Rice Jones,[3] the[*] Member returned to serve in this house from the County of Randolph.

On motion Ordered That the said Document & Petition be referred to a Committee of the whole to-day.

Whereupon the House according to order, resolved itself into a Committee of the whole House thereupon, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Decker reported, that the committee had made some progress, therein and desired leave to sit again

[3] Jones retained his seat in the House. *Post,* 184-85. See biographical note on Robinson in Philbrick (ed.), *Laws, 1801-9,* p. cclxxxi. Robinson was one of the members of the antidivisionist faction implicated in the murder of Rice Jones, son of John Rice Jones, the following December. The murder was the result of a personal and political feud. On August 7, 1808, Jones addressed a meeting of the inhabitants of Kaskaskia at which time, according to a communication from Dr. James Dunlap, "he threw out many invectives against several respectable characters . . . ." In his speech Jones observed that Shadrach Bond, Jr., the former representative "had been opposed to the interest of these counties [St. Clair and Randolph] in the legislature . . . that he held a commission of gov. Harrison, was his tool, and governed by unworthy motives." Vincennes *Western Sun,* August 27, 1808. Jones's remarks brought a challenge from Bond, and the two met on an island in the Mississippi. William Morrison, Jones's second, succeeded in settling the matter before the pistols were fired, but Dunlap, Bond's second, refused to let the matter rest, and implied in his communication to the *Sun* that Jones, through cowardice, made concessions to Bond's satisfaction. This was flatly denied by Jones. Vincennes *Western Sun,* September 10, October 1, 8, 22, and November 5, 1808. Dunlap continued his accusations in the *Sun* of October 1, and his charges were approved by a postscript by Bond. The affair was terminated by Dunlap's fatal shooting of Jones on the streets of Kaskaskia on December 7, 1808. *Ibid.,* December 17, 1808. See also Dunn, *Indiana,* 377; Philbrick (ed.), *Laws, 1801-9,* p. ccliv. William H. English gathered considerable material on this affair which is in the English Collection, Biographical File, Indiana Historical Society Library.

On the Question shall the whole house have leave to sit again on the Document & Petition it was resolved in the affirmative

A message from the Legislative Council by Mr. Hurst their Secretary. "Mr. Speaker I am directed by the Legislative Council to inform this House that they have formed a quorum, and are now ready to Proceed to Legislative business. And that they have came to the following Resolutions.

Resolved that the rules and Regulations for the Government of this House at the last session, be the Rules & Regulations at this session

Resolved That Mr. Bond be a Committee on the part of this House jointly with such Committee as shall be appointed by the House of Representatives, for purchasing stationary

Resolved that the Door Keeper appointed at the last session the House of Representatives[*] concurring therein be Door keeper at this session.[4]

Resolved; That Mr. Fisher be a com- committee on behalf of this House, Jointly with such committee as shall be appointed by the House of of Representatives to wait on the Governor & inform him that a quorum of both Houses, are met and are ready to receive any communications he may be pleased to make known to them.—

On motion Ordered That the Election of clerk be postponed untill to-morrow.—

On motion Resolved That Mr. Jones be appointed a Committee on the part of this house, jointly with the Committee appointed on the part of the Legislative Council, to wait on the Governor of the Territory, & inform him that a Quorum of the two Houses are assembled and are ready to receive any communications he may be pleased to make to them.

On motion The House resolved itself into a Committee of the whole House on the documents & Petition contesting the Election of Rice Jones—And after some time spent therein Mr. Speaker resumed the Chair & Mr. Messenger reported that the Committee had came to the following resolutions

"That Robert Robinson have leave to appear before the Com-

[4] **Samuel Hayes.**

mittee either by himself or Counsel in the prosecution of the aforesaid contested Election—And that the consideration thereof will be again resumed to-morrow. And that the Clerk of this House do inform Mr. Robinson thereof.—[*] And that the Committee had some further progress & desired leave to sit again

On the question, Shall the report of the Committee be concurred in: It was Resolved in the affirmative

And on the question, shall the Committee of the whole have leave to sit again thereon, It was resolved in the affirmative

Mr. Jones from the joint Committee made a report he had according to order waited on his Excely. the Governor who returned for answer that he would wait on the Legislature immediately in person & make a communication to them.

On motion Ordered, that the Clerk of this House do inform the Legislative Council, that this House are now ready to receive them in order to receive the Governor's communications; and that the seats to the left of the Speaker's chair are appropriated to their use for the above purpose.

The Legislative Council entered & were seated on the left of the Speakers Chair

The Governor attended: escorted by the joint Committee entered and was conducted to the Speakers Chair, from whence he [made] the following Speech.

GENTLEMEN OF THE LEGISLATIVE COUNCIL & GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The appointment of our delegate to[*] Congress, to a Seat on the supreme Judiciary Bench of the Territory; has occasioned my calling you together, at an earlier period, than that which was assigned at the close of the last Session.[5] To accomodate the Gentlemen who manage their own farms, I have barely allowed

5 Benjamin Parke, territorial delegate to Congress, was appointed a judge of the territorial General Court by President Jefferson, his appointment being confirmed by the Senate on April 22, 1808. U. S. Senate, *Executive Journal,* 2:81. He succeeded Thomas T. Davis who died November 15, 1807. The Governor issued a proclamation on August 17, 1808, ordering the legislature to convene on September 26 in Vincennes. Vincennes *Western Sun,* August 20, 1808; Territorial *Executive Journal,* 148. The election of the new delegate did not take place until October 22. *Post,* 248. It was postponed or "procrastinated," as Johnston put it, until

time for a deliberate choice of a person to represent you, and for his arrival at the seat of national Government, by the time fixed for the meeting of Congress.

In my address at the opening of the last session, I requested your attention to certain Subjects, which appeared to me to require Legislative provision, and to such of them, as have not been acted upon; I reiterate my recommendation, for an early notice amongst these the revenue and militia Laws (from their superior importance) deserve a very particular & critical examination—That the former is inadequate to its object, is evedent, from the emptiness of the Treasury. Nor is there the least reason to doubt that this proceeds from the mode of collection rather than the height of the Tax, or the inability of the people to pay it. It is believed that the adoption of the System which has for many years been succesfully used in the neighbourning States, wou'd remove every dificulty & place our revenue beyond the reach of accidents & contingencies, which have hitherto embarrass'd it[6]

The Militia, at all times, a Subject of importance, is peculiarly so at the present crisis; uncertain as we are at what moment its services may be necessary. Constituting as it does, the principal defence of our rights & Sovereignty, No labor or expense can be misapplied, which has a tendency to perfect its organization & discipline amongst the defects of the present law I have particurlarly noticed its want of coersion to produce the returns & reports which it directs to be made.—The regularity of these, constitute the most essential feature of a Military body; & untill they are are properly understood & attended to, no great progress can be made in any other part of the Military art.—[7]I wou'd[*] recommend a certain and Severe punishment to such of the officers, particularly of the higher grades, as shall neglect this important duty.—

lines were drawn clearly on the slavery issue and the question of the division of the Territory.

[6] No fundamental changes were made in the revenue law. An act was passed concerning the collection of taxes in Randolph and St. Clair counties and also a resolution for collecting arrearages in taxes. Philbrick (ed.), *Laws, 1801-9,* pp. 669-70, 673.

[7] See the later message of the Governor (October 20, *post,* 240-41) concerning the militia. A bill concerning the militia was introduced in the Council on October 15, but failed in the House (*post,* 261).

As far as my own observation & information extends, it appears that there exists a very general, (& I believe just) complaint, against the height of the taxes, collected under the denomination of County levies.[8]—The tax on Cattle & work horses is peculiarly objectionable; as it subjects the poor, to an unequal Share of the public burthens;—The milk of neat Cattle, forming the principal food of the poorer classes, of our fellow citizens, it appears to me that a tax upon the animal that produces it, is quite as improper as a tax on any other article of general necessity—Two modes of remedying the evil presents themselves to your consideration—by abolishing altogether some of those claims, by which the counties Treasuries are exhausted; or by Transferring others to the general Territorial fund—It appears to me, that both these plans may be adopted with propriety.

Upon examining the County Treasurers accompts, it will appear that a considerable sum is yearly appropriated, in each County to compensate the Surveyors of Roads.—The opening of roads is certainly a matter of considerable consequence but as this is always done by the labor of each individual citizen, & not by contract—I cou'd never lear[n] what public advantage has ever resulted from Surveying them—The law as it stands however makes it the duty of the courts to have it done.—[9]

If there were no other reason for compensating the Judges of

[8] Under the revised statute of 1807 to regulate county levies (based on the 1803 act), "all houses in town, town lots, out lots, and mansion houses in the country, which shall be valued at two hundred dollars and upwards, and all able bodied single men, who shall not have taxable property to the amount of two hundred dollars, all water and wind mills, and ferries, all stud horses, and other horses, mares, mules and asses, three years old and upwards, all neat cattle three years old and upwards, all bound servants and slaves, except such as the court of Common Pleas shall exempt for infirmities, between sixteen and forty years of age" were declared taxable to defray county expenses. Philbrick (ed.), *Laws, 1801-9,* p. 481. Under the act passed at this session (*ibid.,* 664-65) the tax on neat cattle and on able-bodied single men not having taxable property to the amount of two hundred dollars, was repealed. A tax on located lands was levied instead. See also *post,* 265.

[9] See the amendment to "An Act for opening and regulating Public Roads and Highways," in Philbrick (ed.), *Laws, 1801-9,* pp. 646-47, which did away with the parts of the original act regarding surveying of roads, which was objected to by Harrison. Male persons between the

the Courts of common pleas, out of the Territorial Treasury—The great inequality of the Counties in wealth, & population wou'd be a sufficient one, but when it is recollected that the proposed change wou'd greatly relieve the poor, without oppressing the rich, that it wou'd take the burden from the Shoulders of the man who has nothing & add a mite only to the contributions of the wealthy: In a word that it might render unnessary the poll tax on indigent young men, on work horses & oxen & on the food[*] which nourishes that part of the rising generation which is to constitute the strength & defence of our country—The measure wou'd appear to combine Justice with policy.[10]—

The frequent occurrence of Horse stealing along the South eastern boundary of of the Territory; makes an enquiry into the competency of the law upon that subject, worthey your attention: This nefarious practice is said to have produced great distress and inconvenience to some of our citizens, by depriving them of the means of cultivation, at the most critical season of the year. Could we command the funds necessary for the support of that humane institution which is in use, in several of the states; the object of which, is by a course of moderate labor, and solitary confinement, to restrain the vicious and restore them to habits of industry & usefulness; I shou'd be amongst the first to advocate its adoption—as this is not, however, within our means, we must postpone the accomplishment of our wishes on this subject, to the period, when the encreased wealth & population of our Territory will justify the measure—In the mean time it is our duty to protect the property of our fellow citizens; by providing an adequate punishment for those repeated depredations that are complain'd of, and which it appears our laws are insufficient to restrain.[11]—

ages of eighteen and fifty years were made liable to labor on public roads and highways. The original act made male persons between the ages of twenty-one and fifty liable to such work.

[10] An act passed at this session allowed a compensation of two dollars a day to the judges of the common pleas and listed fees to be allowed, collected, and paid into the county treasury. Philbrick (ed.), *Laws, 1801-9,* pp. 661-62.

[11] By an act approved October 26, 1808, the Assembly placed the death penalty on anyone convicted of horse stealing and also on anyone convicted of receiving a stolen horse. Philbrick (ed.), *Laws, 1801-9,* p. 667.

If the proceedings of the Court of chancery, Gentlemen, have untill lately been slow & dilatory, it ought to be attributed to its true cause the want of compensation to its officers; it cannot be supposed that they will give their time & talents to the public, & perform the Labourious duties required of them; without remuniration—with respect to the usefulness of the Court and the propriety of its being continued, my own opinion is fixed & decided —If ever there was a country, where a Court of chancery was necessary, ours is the one; because in no other, (as I believe) has there ever been, so much valuable property transferred without the observance of the legal forms of conveyance; or where the evasion of the specific performance of [contracts] wou'd produce so much confusion, injustice & ruin[*] It is not many years since a bare assignment of title to lands upon a bit of Paper, without any of those peculiar phrases, which our laws require in the transfer of real property, was deemed both by the buyer & seller a sufficient conveyance—Indeed there have been instances where the delivery of possession, has been considered & accepted as sufficient evidence of purchase—To enforce the observance of *Bona Fide* contracts made in this manner; it is believed a court of Chancery, is alone competant: nor is it by any means that loose & fluctuating tribunal which some have considered it, where *Will* & not law, presides & where the arbitary opinions of the Judge, is the only rule of decision—It is on the contrary bound down, by rules & laws, as well defined, & as well understood, as those of any other Court—And as it compels the specific performance of contracts, & enables contending parties reciprocally to avail themselves of facts which might otherwise be forever buried in the bosoms of their opponants: it is peculiarly calculated to protect the Simple & ignorant, against the artful & designing.—[12]

It gives me great pleasure to inform you Gentlemen, that there is every prospect of a continuance of that harmony & good under-

[12] See the report of the committee on the court of chancery, *post,* 181-82. The bill which the committee introduced "for the admission of Equitable Trials in Suits at Law," failed to pass the Council (*post,* 284-85), as did a House bill to alter the terms of the sitting of the chancery court (*post,* 257, 302). A bill allowing compensation to the chancellor passed the Council but failed in the House (*post,* 230, 285).

standing with our Indian neighbours which is so mutually beneficial & which it has been my constant endeavour to preserve—I pronounce with confidence that at no anterior period, have our relations with the neighbouring Tribes, been placed upon a better footing; or on one which gives such just cause of exultation to the friends of that wise, humane & beneficent policy; which has been adopted by our government & which forms so singular an exception to the treatment of Savages by those who are called civilized. We can challenge the world to produce a similar instance, of a great & powerful nation respecting on all occasions, the rights of its weaker neighbours & acquiring by fair, equal & reciprocally advantageous treaties, that extension of Territory, which other nations have been accustomed to seize by violence, a course of conduct[*] so different from that, which they have experinced from other civilized powers, has at length produced amongst the Indians a thorough conviction, that their prosperity & happiness can only be secured by preserving inviolate, their connection the United States—And as all the wars which have arison between ourselves & the aborigines, are justly attributable to the prevalence of foreign influence amongst the latter; we may fairly calculate that our Indian frontier will be free from those alarms & apprehensions, which have had so much effect in retarding its settlement.

The laws of Congress for the disposal of the public lands, in the Territory having directed a Section to be reserved in each Township, for the support of schools; it may be proper, (Gentlemen) at the present session, to make some provision for securing this precious deposit from depredation, and putting it in a State of Progressive improvement.[13]

With these observations Gentlemen, which relate to subjects connected with your immediate duty, I might leave you to your

[13] See Section 5 of the act for disposal of public lands in Indiana Territory, approved March 26, 1804, in Carter (ed.), *Territorial Papers,* 7:173-84, and U. S. *Statutes at Large,* 2:277-83. By an act approved on October 26, 1808, the several courts of common pleas were authorized to lease the school sections in their respective counties "upon such terms and conditions, as shall appear to them best calculated to improve the same." Philbrick (ed.), *Laws, 1801-9,* pp. 667-68.

deliberations; but on an Occasion of this kind addressing a respectable & organized body of my fellow-citizens; it is imposible, that I shou'd not recollect, & recollecting that I should pass unnoticed, the critical & unprecedented situation of our national affairs. It is true that in this infant State of our political existence we have no voice in the council of the nation, but we are nevertheless Americans, & as such, feelingly alive to every thing which can effect the interest of our common country—If a uniform course of Justice, moderation & forbearance towards the belligerant powers of Europe, could have presented to us a continuence of that peace which is so ardently desired by all classes of our fellow citizens, America might fairley calculate upon an exemption from those evils which are the inevitable consequences of war[*] Such however seems not to be our lot—

The Storm which has been so long lowering at a distance & which has spread such havock & distruction over the fairest portion of the creation, has assumed a direction which menaces our peacful & happy Shores.—If it is yet posible to divert its forces, without a prostration of national honor; if it is posible to procrastinate the appeal to arms, even for a single day, such is the moderation of our Government & such its policy, that we may be certain, at least, of enjoying that day in peace—We shall "drain the cup of conciliation to the dregs" & not unsheath the sword untill every expedient, which the wisdom & experience of our rulers shall suggest; shall have been tried in vain—If some of these measures are attended with temporary distress & inconvenience, let it be remembered, that the alternative was war.—If by a voluntary act of our own, we have abandon'd the ocean to our rivals and cut off our trade with every part of the world, in the event of war, nearly the same result wou'd have been produced—by the superior fleets of our enemies. if Britain was to be our antagonist; or by the influence of France upon the continent of Europe, if it Should be our fate to contend with her—There is this essential difference, however between the two cases in the one immense property which we had exposed upon the Ocean, would have been captured & wou'd have afforded our enemies additional means of annoying us. The embargo has preserved it to our own use, & our gallant sea-

men, instead of langushing in European dungeons; are safe in their native harbours, waiting the signal which calls them to avenge their countrys wrongs. Consider'd as a commercial regulation to countervail the iniquitous & arbitrary orders in council & decrees of the Belligerents; the wisdom of the embargo is equally manifest —like every other species of warfare, this commercial contest may prove injurious to both parties; but that it will injure our antagonits most, is evident, from the very nature of our former intercourse—For our provisions & raw Materials for their manufactures[*] hemp & Tar for their navies; we receive in receive in return either articles of luxury, or such, as with little exertion we can make for ourselves—Possessing within our own bosom, all the comforts, conveniencies, & many of the luxuries of life, America shou'd be as independant of foreign labor, as she is of foreign Governments—Like the Country of Confucius, She might form a world to herself—

From Europe we have nothing to learn that is worth the least risk to acquire, her Sciences & arts have long been transplanted amongst us; & the vigor of their growth proclaims them, already naturalized.—The adoption of her manners could add nothing to our happiness, and being inconsistent with the simplicity of republicanism, might gradually undermine the fair fabrick of our Government—And who can tell, but that a wise & benificent providence might have ordained the present suspension of intercourse to wean us from the contaminating influence of foreign manners & opinions, that we might transmit our republican institutions in a pure unsullied stream to the latest generations.—

Untill the present crisis, no circumstance has occur'd since the formation of our constitution which made it necessary for the Government to adopt any rigorous measure, or to restrain the people in the enjoyment of all those blessings, which a state of peace & prosperity afforded—The Embargo law is however of this discription and the enemies of our Government have express'd the fondest hopes that the impatience of the people, under deprivations it occasions wou'd compel a repeal of it before it could produce the effects its authors had intended—An event of this kind would be deplorable, nor would its pernicious conse-

quences be confined to the present age & generation.—The most specious objections which has been urged against republican Governments, is the want of consistency & the necessary energy in times of difficulty[*] & danger. If america should abandon the ground she has taken; on account of any trivial inconveniences, which a suspension of foreign commerce produces—what exultation wou'd it occasion to the advocates of monarchy & aristocracy, & what endless humiliation to the friends of Republicanism But I cannot believe it posible that the same people, who in a seven years war, encountered with heroic fortitude, all the calamities & hardships which an enemy, superior in every thing but valour could inflict; have become so fond of the luxuries & gewgaws of Europe, as to submit to the humiliating conditions which are at present annexed to their enjoyment.—

However foreign this subject may be to your official duties, Gentlemen, you may nevertheless as influential individuals render essential service to your fellow-citizens; by inculcating amongst them, the propriety of adapting their habits & directing their exertions to suit the present situation of the Country & to meet the crisis which seems to be approaching—Industry & economy, at all times republican virtues, are peculiarly requisite, & every exertion shou'd be made to encourage domestic arts & manufactures for the supply of those articles of indispensable utility, which we have been accustom'd to receive from abroad. It may also be proper to impress upon the minds of your consituents, that the Embargo is a measure of imperious necessity & produced by circumstances which the Government could neither controul nor qualify

WILLIAM HENRY HARRISON

INDIANA TERRITORY 27: September 1808[*]

On motion Orderd that this House do adjourn untill to-morrow morning nine oclock and then the House adjournd accordingly.

Wednesday 28th September 1808

The House met according to adjournment

On motion Ordered that whereas Shadrick Bond jr. who was apointed at the last Session of this House in conjunction with Mr.

Johnston as managers on the part of this House to appear befor the Legislative Council and prosecute the impeachment against Robert Morrison Esqr. Clerk of the Court of Common pleas of Randolph County[14] having been since that time promoted to the Legislative Council

Resolved therefore that Mr. Messenger be added to the managers on the part of this House to act in conjunction with the present managers and that the Clerk of this House do inform the Legislative Council thereof

The House then proceeded to the election of a Clerk to this House when upon counting the Ballotts it appeared that William Jones[15] had four votes an Jonathan Jenings[16] Two William Jones thereupon was declared by the Speaker duely elected Whereupon the oath of office was[*] administered to him by Luke Decker Esqr.

On Motion Resolved that it is expedient to appoint an assistant Clerk in order to avoid delays in taking down the proceedings of this House and that they do go into the apointment immediately Where upon on Counting the ballots Jonathan Jenings was unanimusly elected and took the necessary oath

On Motion The House according to the order of the day re-

[14] The grounds for impeachment have not been found. See Philbrick (ed.), *Laws, 1801-9,* p. ccviii. By an act of 1805, charges of maladministration or corruption in office were to be brought by the House against any civil officers holding a commission under the Territory. Cases were to be tried by the Council. *Ibid.,* 123-24. General Washington Johnston, in his letter to his constituents at the close of the session, makes the following comment on the impeachment proceedings: "An impeachment was raised at the last session against Robert Morrison, Clerk of the Common Pleas of Randolph county, at this session the House of Representatives, considering that the evidence which could be adduced upon trial would not support the charges, and if so, that the expence would be very heavily felt, and justly complained of the Territory, were induced to enter a *noli prosequi* to the impeachment." Vincennes *Western Sun,* November 12, 1808. See *post,* 172-73, 178-79.

[15] See biographical sketch of William Jones, *post,* Appendix II.

[16] Jennings was to serve as territorial delegate to Congress, 1809-1816, as first governor of the state, 1816-22, and as Congressman, 1822-31. Born in New Jersey in 1784, he moved with his family soon afterward to Pennsylvania, and in 1806 he came to Indiana Territory.

solved it self into a committee of the whole House on the contested election of Mr. Jones

Mr. Robinson appeared before the committee in person and motioned for a postponement of the investigation untill the day after to-morrow and the same was carried in the affirmative; after some time spent there in Mr. Speaker resumed the chair and Mr. Messinger reported that the committee had according to order reported that they had made some progress therein and begged leave to Set again

On motion Resolved that the committee have leave to Set again

On Motion Resolved that Davis Floyd former Clerk of this House do deliver over to the present Clerk all the Books and papers[*] in his possession appertaining to his office

On Motion Resolved that Mr. Johnston be appointed a committee of inrolled Bills on the part of this House Jointly with such committee as may be appointed for that purpose on the part of the Legislative Council and that the Clerk of this House do inform the Council there of

On Motion Resolved that a Standing Committe of Ways and means be appointed whose duty it shall be to take into consideration all such reports of the Treasury department and all such propositions relative to the Revenue as may be referred to them by the House, to inquire into the State of the publick debt and of the revenue and expenditure, and report from time to time their opinion thereon. And thereupon Messrs. Johnston & Jones were appointed such committee.

On Motion Resolved that a committee of revisal and unfinished buisness be appointed and that they report there on to this House and that Messrs. Johnston & Messinger be that committe

A Message from the Legislative Council by Mr. Hurst their Clerk Mr. Speaker the Legislative Council have appointed Mr. Bond a committee of inrolled Bills and then he withdrew

On Motion Resolved that the committee[*] appointed on the part of this House to prosecute the impeachment against Robert Morrison Esqr. Clerk of the court of common pleas in Randolph County be and are hereby directed not to prosecute the said im-

peachment and that the Clerk of this House do inform the Council there of

Mr. Johnston from the committee appointed last Session to contract for printing the Laws of the Territory and the Journals of both Houses of the Legislature begs leave to make the following report

That the committee who were appointed by two several resolutions of the Legislature of Indiana at their Session of 1807[17] to contract for and attend to printing collating Binding and distributing 500 Copies of the revised Code and acts passed at the said session and likewise 200 Copies of the Journals of both Houses

That as immidiately after the rise of the Legislature as circomstances would admit to wit the 21st of Sepr. 1807, your committe entered in to the agreement with Stout & Smoot the persons whose proposals were accepted of by the Legislature, for printing and binding 500 Copies of the revised code and acts passed at the laste Session at the rate of one Dollar per page and Twenty five cents pr. Volume for binding in Boards, and to have been delivered by them to your committee for[*] distribution at the rate of one Hundred pages per month for the compliance with which agreement your committee took from the said Printers Bond in the Sum of $1000 with Peter Jones and Henry Hurst Securities and which agreement and Bond on the 6th of October in the same year your committee filed in the Territorial Secrataries office— in entering into the Contract your committee intentionally left out the 200 Copies of the Journals of both Houses as intended by your Honbl. Bodies by your aforesaid resolution to have been printed and distributed for the following reasons and under the following impressions

1st. Because your committee were informed by the printers them selves that they had then but a small supply of Paper and it would require some time to procure a sufficiency

2nd Because by the terms of the proposals of the printers upon which the resolutions aforesaid under which your committee acted was predicated, obliged them to print not more than at the rate of 100 pages per month and which the printers at the time of

[17] Philbrick (ed.), *Laws, 1801-9,* pp. 578-80, 604-5.

entering into the contract limited your committee to, and it was then supposed by your committee and the Printers that the revised Code and acts of last session would make at least 700 Pages[*] of print and the Journals of both Houses 400 which would have given the Printers for the completion of both Jobs a Term of Eleven months besides a necessary time for your committee to have made, which could not have been done untill all the laws were printed the Index to the Laws and then for that to be printed which would have prolonged the time to one year at least and when would they have been received in the different Counties, your committee were therefore

3rd Firmly impressed with the rational belief that their Fellow Citizens and your constituants could not from the Revised Code, do well any lenth of time without the Laws, that if they wire to remain without one or the other it would be much more advisable to be so without the Journals than the laws as one was for their Government and the other was mearly detailed information of the formal proceedings in the two elective branches of the Legislature and that as the Laws being of primary consideration and importance ought to be first promulgated that by the time this was done and the Journals printed and distributed they would have became unentertaining and scearcely read by one of our Citizans, not withstanding the[*] Territory would have incured the expence of 4 or 500$—this would as the immortal Doctor B. Franklin observes have been buying the Whistle

Your committee made their marginal notes to the laws in as correct and ample a manner as they were able but they are sorry to have it in their power to state that the notes were very much mutilated and neglected by the Printers.—one or the other of your committee at a sacrifice of their Private engagements and disregarding pecuniary considerations alway attended when requested by the Printers to the collation of the laws—your committee obtained from the Printers on the 28th of May of the present year and deposited in the Territorial Secrataries office the original laws and acts which they had theretofore taken and deliverd to the Printers and this was the day after the Printers had finished

printing of them which was near four months after the laws should have been not only printed but delivered to your committee

Your committee by their own personal exertions and from the assistance which they were necessitated to call in from other sources made the index by the time it was wanting by the Printers and in making it your committee[*] were as concise having perspicuity in view as possible—your committee suggests to your Honrble Bodies the propriety and Justness of making propper allowances to those persons who were imployed by them as assistants notwithstanding your committee believe it was completely in their power by the resolutions under which they acted to have Certifyed not only for those expencis but of their own remunerations, yet it was with them a point of some delicacy they therefore chose rather to submit the whole to your consideration

Your committee must here be permitted to observe that not with standing all the care and trouble they bestowed upon the printing of the laws and Index a number of omissions by the Printers and Typographical errors have creped into them, those however as well as some mistakes at the time of passing the laws may and ought to be remidied at the present session—Your committee begs the indulgence of your Honbl. Bodies in digressing from formality and descending into particularities to which they think themselves authorised from the particular manner in which the laws have been distributed which manner your committee were obliged to persue from the delay of the printers and the[*] finances of the Territory, early in June the Printers by the request of your committee forwarded to the Clerks of the common Pleas of Clark and Dearborne a coppy of the laws each altho then in an unfinshed state, the title page and the last page of the Index not being affixed on the 15th of the same month your committee forwarded by the post rider to Cahokia one coppy to John Hay as Clerk of St Clair and another to his care for Robt Morrison Clerk of Randolph to which Two Gentlemen your committee wrote upon the subject, on the 21st they forwarded in a Box which they had made for the purpose, by Colo B. Chamberses waggon going on the U. S. rode to Cahokia 44 copies but owing to the Collonels oxen having given out his waggon came back and on the 2nd July

he returned your committee the Box and laws which on the 6th of August your committee forwarded by Mr. T Dubois's Barge to the care of Robert Morrison Kaskaskia for the Clerk of St. Clair to whome they likewise forwarded by the same opportunity the Box containing 43 copies for the County of Randolph, Fredk. Graeter Esqr. of that county having received his coppy when here —on the 22nd June your committee imployed Thomas Coulter to transport the[*] Quota for Clark County which he did and your committee certified in his favour, on the 2nd July your committee delivered to Robert Buntin clerk of Knox her Quota including those copies which had been obtained by different officers from the Printers on the same day your committee enclosed in a Box by Colo Chamberses waggon to Samuel C. Vance clerk of Dearborne to whome your committee wrote 43 copies being the balance of her Quota, and on the ninth of the same Month your com[mitt]ee received from the Printers and deposited in the Territorial Secratary's office 275 copies being the balance of the whole number of 500, whether the laws have been severally and duly received in Randolph St Clair & Dearborne your committee cannot assuredly say as the Clerk of those counties have not as your com[mitt]ee supposed publick officers should have acknoledged the receipt but your com[mitt]ee believes they have been reciv'd

Your committee in giving the certificate to the Printers are placed in rather disagreeable situation from the injunctions of strict Justice and the publick good on the one hand and the necessitous calls of the Printers, on the other The Territory had laboured under serious[*] inconveniences, and in some cases a retardation in the collection of the Revenue in concequence of the laws not having been printed and distributed as they should have been, and the Printers had expended their little funds in procureing paper and were likely to lay out of their money not only to remunerate them for the materials but their labour likewise altho in the opinion of your committee had the laws have been delivered in the time, they ought to have been, by the contract the Printers would then or in a very short time afterwards have received their pay from the Territorial Treasury because the laws being received in the different counties would have enabled them to have proceeded

in the collection of the taxes your com. therefore proposed to the Printers to make their report specially to the Legislature or to give them a special certificate and let the responsibility rest with the Auditor, whether he would audit or not, the latter of those propositions were accepted by the printers, and your committee gave them on the 9th of July Just the sertificate stateing the facts as they had transpird and that the work contained 570 pages at one Dollar[*] and 25 cents for per coppy for binding which binding in the opinion of your committee if it is not an injury is of very little benifit

On motion Resolved that this House do concur in the report made by Messrs. Jones & Johnston the committee for Printing the laws &c and that the Clerk of this House do carry the said report to the Legislative Council and desier their concurance thereto

On motion Resolved that this House do now adjourn untill tomorrow morning nine o'clock and the House adjourned accordingly.

Thirsday 29th Sepr. 1808

Mr. Speaker being absent Mr. Messinger was appointed Speaker Pro tem

Mr. Johnston from the committee of revisal and unfinished business reported and on motion ordered to lye on the Table

On motion Resolved that this House agreeable to the order of the day do resolve itself into a committee of the whole House on the speach of the governer and after[*] some time spent there in Mr. Speaker resumed the chair and Mr. Decker reported that the committee according to order had come to the following Resolutions

1st Resolved that so much of the Governers Communication as refers to the state of the Revenue be refered to a select committee

2nd Resolved that so much of the said communication as refers to the Militia be refered to a select committee

3d Resolved that so much of the said communication as refers to the abolition of Taxes on certain articles be refered to a select committee

4th Resolved that so much of the said communication as re-

fers to the punishment for the crime of Horse stealing be refered to a select committee

5th Resolved that so much of the said communication as refers to the court of chancery be refered to a select committee

6th Resolved that so much of the said communication as refers to the orginisiation of Schools be refered to a select committee—

Where upon the same being handid in at the clerks Table and being severally[*] Twice read were concured in by the House and there upon Messrs. Johnston & Jones were appointed under the first Resolution Messrs. Jones & Johnston were appointed under the second Resolution Messrs. Johnston & Jones were appointed under the third Resolution Messrs. Jones & Johnston were appointed under the fourth Resolution Messrs. Johnston & Jones were appointed under the fifth Resolution and Messrs. Jones & Johnston were appointed under the sixth Resolution

On motion Resolved that the clerk of this House do call upon and procure from the Territorial Secratary a certified coppy of the polls of the election of the member to this House for the present session from the county of Randolph and that he have the same by to-morrow morning

On motion Resolved that Mr. Robinson be permitted to take a coppy of the certified coppy of the Polls when in the possession of the clerk

On motion Resolved that this House do now adjourn untill 3 oclock this Evening and the House adjourned accordingly[*]

Thirsday Evening 3 o'clock

The House met according to adjournment

A message from the Legislative Council as a Court of Impeachment for the trial of Robert Morrison Esqr. Clerk of the Court of Common pleas of Randolph County, by Mr. Hurst their Clerk —Mr. Speaker I am directed by the Legislative Council to inform this House that a coppy of the answer to the articles of Impeachment against Robert Morrison Esqr. is now ready and then he withdrew

Mr. Johnston from the managers appointed on the part of

this House to prsecute the Impeachment against Robert Morrison Esqr. Clerk of the Court of Common pleas of Randolph County Reported that the managers had waited on the Legislative Council as a Court of Impeachment and had obtained from them the answer of the said Robert Morrison to the said articles of Impeachment which he delivered in at the clerks Table where the same being severally Twice read

On motion Resolved that a Resolution that passed this House yesterday where in the committee was directed not to prosecute Robert Morrison Esqr. clerk of the court of common pleas of Randolph County be[*] and the same is here by recinded

On motion Resolved that the managers of the Impeachment against Robert Morrison Esqr. give to the said committee of Impeachment the following Replication

Replication

By the House of Representatives of the Indiana Territory to the preceeding answer and pleas of Robert Morrison Clerk of the Court of Common pleas of Randolph County to the articles of Impeachment exhibited against him by the said House of Representatives

The House of Representatives of the Indiana Territory have considered the answer of Robert Morrison Clerk of the Court of Common pleas of Randolph County to the articles of Impeachment against him by them exhibited in the name of themselves and of all the good people of this Territory and observe and resolve—that the charges against the said Robert Morrison be and they are here by withdrawn as they conceive the evidance not sufficient to prosecute the said Robert to Conviction, and that the managers on the part of this House to prosecute the said Impeachment do inform the Legislative Council thereof

On motion Resolved that this House do now adjourn untill tomorrow morning 9 oclock and then the House adjourned[*]

Friday 30th September 1808

The House met according to adjournment

On motion Resolved by the House of Representatives the Legislative Council concuring there in, that the following Rules

shall be observed by the Legislature in Joint meating in their proceeding in the Election of a Deligate to Congres Viz—

1st The Ballots shall be taken by the Clerk of the House of Representatives examined and pronounced by the Speaker of the said House in the presence of the members

2nd If neither candidate has a majority of the whole number of votes present on the first Ballot—the members of both Houses shall immediately proceed to a second Ballot and so on from time to time untill one of the candidates obtains a majority of the whole number of votes

Resolved by the House of Representatives the Legislative Council concuring there in, that they will meat the Legislative Council in the Representative Chamber on Monday the 3rd day of October now ensuing at Eleven oclock A.M. and then and there proceede to the Election of a Deligate to Congress agreeable to the above Rules—Resolved that the clerk of this House do carry the above[*] resolutions to the Legislative Council and desire their concurance thereto

Mr. Johnston laid before the House a number of Petitions and an accompanying document from William Linn and other citizens of Clark County and sundry Resolutions signed by John Prather as chairman of a committee of citizens of said county praying that the said county of Clark may not be devided

On motion Resolved that the said Petitions documents and Resolutions do lie on the Table

Mr. Johnston laid before the House Petitions from John Harbison & Wm. Cunningham & other Citizens of Clark County, praying for a Division of said County—which being severally read,

On Motion Resolved that the petitions of John Harbison and William Cunningham and other Citizens of Clark County praying for a devision of the said County be refered to a Select Committee and that they report there on by Bill or otherwise and that Messrs. Decker & Johnston be that Committee

On motion Resolved that the Petition and accompanying documents of William Linn and other citizans of Clark County and the resolutions of the citizens of the same county signed John Prather

be refered to the committee appointed upon the Petitions of John Harbison William Cuningham and others[*]

Mr. Johnston from the committee of Revisal and unfinished buisness made the following Report That they find the following buisness to have remained unfinished the last session

1st. The petition of Marston G Clark and the report of the committee there on which was ordered to lie on the Table

2nd The Petition of John Gibson President Protem of the Board of Trusties of the Vincennes University ordered likewise to lie on the Table

3rd The report of the committee of Ways and Means upon the documents of the Territorial Treasurer and Auditor

On motion Resolved that the Petition of M G Clark contained in said report do lie on the Table

On motion Resolved that the Petition of John Gibson President Protem of the Board of Trustees of the Vincennes University be refered to a select committee and report there on by Bill or otherwise and that Messrs. Johnston & Jones be that committee[18]

On motion Resolved that a report of the committee of Ways and Means made at[*] The last session and apearing by the report of the committee of revisal and unfinished buisness, remaining to be acted on, be refered to the committee of ways and means and that they report thereon by Bill or otherwise

On Motion Resolved that a committee be appointed to enquire, if any and what alterations are necessary in the office of the Attorney General of this Territory and that they report thereon by Bill or other wise, and that Messrs. Johnston & Biggs be that committee

On Motion Resolved that this House do now adjourn untill Tomorrow morning 9 oclock and then the House adjourned

Satureday 1st October 1808

The House met according adjournment

Mr. Johnston from the committee to whome was refered so much of the Governers communication as relates to the Court of

[18] The petition asked that the Board of Trustees of Vincennes University might be authorized to make sale of a further quantity of the land in the seminary township. See report of committee, *post*, 186.

Chancery reported—That from the present population of the Territory, being but small in proprotion to the extensiveness of its domains and from the imptiness of the General and County Treasuries and the numerous complaints of the Citizens as to the burthen of the present Taxes—they deem it unadvisable to place an additional burthen upon the citizens by[*] allowing a sallary to the chancelor seeing especially that the want of remidies in Courts of Law to disclose latent frauds &c complained of, may be remedied without running into the opposite evil, your committee having viewed and matured the subject are of opinion that the complaint may be provided against and the evil prevented by placing the court of Chancery upon a different foundation than that upon which it now appears to stand, that is more sollid, less expencive and more satisfactory—they therefore beg leave to report the following Bill

A Bill for the admission of Equitable Trials in Suits at Law[19] —which being read the first time

On Motion The said Bill was read a second time

On Motion Resolved that the said Bill be committed to a committee of the whole Hous and made the order of the day for Tuesday next

On Motion Resolved that leave be given to bring in a Bill concerning the law regulating Elections—whereupon

Mr. Jones reported a Bill to amend an act entitled an act regulating Elections[20]—which being read the first time

On Motion The said Bill was read a second time[*]

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tuesday next.

On Motion Resolved that the Territorial Auditor and Treasurer do have leave untill Tuesday next to make their reports to this House

19 This bill was rejected by the Council. *Post,* 284-85. According to Johnston it "would have superceded the necessity of the separate establishment of a court of Chancery, and it was believed would have been far less expensive and afforded all the advantages of the present court of Chancery." *Western Sun,* November 12, 1808.

20 This bill passed second reading in the Council and was then laid over until the next session. *Post,* 311-12.

Mr. Johnston from the committee who was appointed to take into consideration the office &c of the Attorney General reported the following Bill—A Bill concerning the Attorney General and for other Purposes—which being read the first time[21]

On Motion The said Bill was read a second time

On Motion Resolved that the said Bill be refered to a committee of the whole House and made the order of the day for Wednesday next

Mr. Johnston presented the Petition of John Griffin and other citizens of of this Territory praying that slavery may not be admitted in to said Territory—also that the Deligate to Congress be instructed to this effect

On Motion Resolved that the same do lie on the Table

On Motion Resolved that this House do now adjourn untill 3 oclock this Evening[*]

Satureday Evening 3 oclock

The House met according to adjournment

A message from the Legislative Council by Mr. Hurst their Clerk—Mr. Speaker I am directed by the Legislative Coucil to inform this House that they do concur in the resolution respicting the Election of a Delegate to Congress with some amendments, to which they desire the concurance of this House, and then he withdrew

On Motion Resolved that the consideration of the said amendments do lay over untill Monday next

Mr. Johnston laid before the House the Petition of Robert Elliot and others praying for some amendments to the act, incorporating the Wabash Baptist Church[22]

[21] This bill passed the House and Council but was vetoed by the Governor because it violated the Northwest Ordinance by taking the power of appointment out of the hands of the Governor (*post,* 261). A similar bill passed at the previous session had likewise been vetoed. *Ante,* 150-51.

[22] The incorporation act was passed at the preceding session of the Assembly. Philbrick (ed.), *Laws, 1801-9,* pp. 572-74. Elliot was named as one of the trustees in the act. See report of committee on the petition, *post,* 195. William Bruce, another of the trustees, wrote in 1853 that the Wabash Church was organized "about the fall of 1807" in his home in what is now Bruceville. Two years later when the Maria Creek Baptist

On Motion Ordered to lie on the Table

The several orders of the day being dispenced with

On Motion Resolved that this House do now adjourn untill Monday morning 9 oclock and then the House adjourned accordingly

Monday morning 3rd Octo[be]r 1808

The House met according to adjournment

Mr Speaker laid before the House sundry Petitions from the counties of Clark and Dearborne

On Motion Resolved that the said Petitions do lie on the Table[*]

Mr. Speaker laid before the House the Petition of Thomas Downs and other citizens of Clark county praying for a division of said county

On Motion Resolved that the said Petition do be refered to a committee formerly appointed to take into consideration sundry Petitions for the devision of Clark County

On Motion Resolved that the House do now resolve it self in to a committee of the whole House agreeable to the order of the day on the Contested Election of Mr. Jones the member from Randolph County and after some time therein Mr. Robinson who contested the Election of Mr. Jones asked the committee in what manner the proceedings should be conducted where upon Mr. Johnston introduced the following resolution

On Motion Resolved that Mr. Robinson the person contesting the Election of Mr. Jones the sitting member from Randolph County have the priviledge of opening and concluding the debate upon the subject of conteste, Mr. Speaker resumed the chair and Mr. Biggs reported that the committee had according to order takin in to consideration the contested Election of Mr. Jones and have come to the following resolution

On Motion Resolvd. that The committee of the whole House having taken into consideration the Testimony which has been Transmitted in the contested Election of Rice Jones the member

Church was organized north of Vincennes, Bruce and his family joined with that church. William Bruce, "Memoirs of the Bruce Family," in *Indiana Magazine of History,* 23 (1927) :71.

returned[*] to serve in this House from the county of Randolp[h] and having heared the arguments for and against the said Jones, retaining his seat, are of opinion and do resolve that he is entitled to and do retain his seat as such member to which they desierd the concurance of this House which resolution being delivered in at the Clerks Table and being severally Twice read

On the question that the House do concur with the committee of the whole House on the said resolution it passed in the affirmative

The Yeas and nays being called for by one of the members, those who voted in the affirmative were Messrs. Biggs, Johnston[23] and Messenger Those who voted in the negative were Messrs. Decker and Thomas Yeas 3 nays 2

The further orders of the day being dispenced with

On Motion Resolved that this House do now adjourn untill to-morrow morning 9 oclock and then the House adjourned accordingly

Tuesday 4th October 1808

The House met according to adjournment

[23] In a long letter addressed to General W. Johnston, which appeared in the *Western Sun* of October 8, 1808, Robert Robinson attacked Johnston for his actions in the House at this time. Robinson declared that, knowing Rice Jones's election to the House "was not legally and *honestly* conducted," but urged on by citizens of his county, he was determined to bring the election before the House. One of Robinson's contentions was that one of the judges of the election in Springfield Township was not sworn into office as the law directed. Johnston apparently contended that this did not invalidate the election, since the judge had sworn after the election that he had performed his duties as conscientiously as he knew how. Said Robinson: "Sir, you are placed in a situation, that your example may produce some effect—If the Legislator sport with the Laws; may not the Judge, the Sheriff and every Officer and individual in the Community?" Robinson singled out Johnston for his attack, declaring that Biggs and Messenger, who voted with Johnston, he would "leave . . . to their constituents, and their own reflections."

In a letter to his constituents at the close of the session Johnston stated that "the house decided that mr. Jones should retain his seat, from the principle 'that the omission of a public officer should never work an injury to an individual,' which would have been the case, had the election of mr. Jones been set aside." Vincennes *Western Sun,* November 12, 1808.

Mr. Messenger took the chair as Speaker Protem the Speaker being absent

On Motion Resolved that the name of Jesse B. Thomas be arraised from the Journals of this House upon taking the yeas and nays yesterday he being Speaker and[*] it being contrary to the rules of this House to vote unless in cases of a devision

Mr. Johnston from the committee appointed on the Report of the Committee of revisal and unfinnished buisness, made the following report

That it is inexpedient at this time for the Legislature to autherise the sale of any further quanty of land other than that already authorised by Law to be disposed of, of the Town ship set apart by Congress for the use of the semminary in the district of Vincennes—concurred in—

Mr. Johnston from the committee to whome was refered so much of the Governers communication as relats to publick roads and High ways. [reported "a Bill entitled a bill to amend an act intitled an act for opining and regulating Publick roads and highways][24] which was read the first time and on motion ordered to be read a second time where upon

On Motion Resolvid that the said Bill be committed to a committee of the whole House and made the order of the day for Thirsday next

Mr. Johnston from the committee to whom was referred the Report of the Com[mitt]ee of ways & means of last session reported the following Bill intitled a Bill concerning the late attorney General of this Territory[25] [which was read the first time and on motion ordered to be read a second time whereupon]

Resolved that the said[*] Bill be committed to a committee of the whole House and made the order of the day for Thirsday next

[24] The brackets are in the manuscript Journal with a marginal note indicating that the part enclosed should be left "out."

[25] Benjamin Parke. This bill was rejected by the Council. *Post,* 284. However, a resolution allowing compensation to the attorney general was approved by both houses of the General Assembly. *Post,* 266-67. Philbrick (ed.), *Laws, 1801-9,* p. 672. Payments to Parke as attorney general are given in the Territorial Treasurer's Account Book, *post,* 906, 907, 908, 912.

On Motion Resolved that a committee of conferance be desierd with the Legislative Council on the subject matter of the difference between the Two Houses on the amendments made by the Legislative Council to the resolutions which originated in this House for the Election of a Deligate to Congress and that Mr. Johnston be a manager on the part of this House at the said conference, and that the clerk of this House do inform the Legislative Council thereof and desire them to appoint a similer committee on their part

On Motion Resolved that the Petition of Robert Elliott and others Trusties of the Wabash Baptist Church praying for sundry amendments to the act incorporating said church be refered to a select committee and that they report by Bill or otherwise and that committee be Messrs. Johnston & Decker

On Motion Resolved that the clerk of this House do return to the Territorial Secratary the original writ of Election and polls of Randolph County

Mr. Speaker resumed the chair

On Motion Resolved that leave be given to bring in a Bill concerning the writ of Habias[*] corpus[26] where upon Mr. Johnston reported the said Bill which was read the first time and on motion ordered that the said Bill be read a second time, whereupon

Resolved that the said Bill be committed to a Committee of the Whole house and made the order of the day for Thursday next.

Mr. Johnston presented the Petition of Catharine Moore which being read,

On Motion Resolved that the said Petition and accompanying documents be referred to a select Committee and that they report by Bill or otherwise and that Mrs. Johnston, Messenger and Decker be that Committee

Mr. Johnston presented the Petition of David Robb and

[26] The bill concerning the writ of *habeas corpus ad subjiciendum,* which was rejected by the Council (*post,* 302), "provided that the 'return of such a writ should not be taken as conclusive and binding' by which means, the writ so much boasted of, as being one of the bulwarks of our liberties might answer some desirable end, & benefit those who may hereafter be imprisoned by the iron arm of power." Johnston to his constituents, *Western Sun,* November 12, 1808.

others, praying for a diminution of the County Tax and an augmentation of the Tax on Land.—Which being read.

On Motion Resolved, that the said Petition be referred to the Committee appointed for the abolition of Taxes.

Mr. Johnston presented the Petition of Daniel Sullivan and others, praying that certain charges now a County, should be a Territorial charge. Which being read.

On Motion Resolved, that the said Petition be referred to a Committee on the Revenue.

On Motion Resolved, that leave be given to bring in a bill concerning the County Treasurer and for other purposes, and that Jones and Biggs be that Committee.

Mr. Jones from the above Committee reported the following "bill for the appointment of a County Treasurer and for other purposes" which being read,

On motion, Resolved that the said bill be read a second[*] time and, on motion Resolved that the said bill be committed to a Committee of the whole house and made the order of the day for Thursday next.

On Motion Resolved that leave be given to bring in a bill concerning servants, and that Mrs. Jones and Decker be a Committee for that purpose; whereupon Mr. Jones reported the following "bill concerning servants" which being read—

On Motion Resolved that the said bill be read a second time which was accordingly done

On Motion Resolved, that the said bill be Committed to a Committee of the whole House and made the order of the day for Friday next.

On Motion Resolved that leave be given to bring in a bill concerning Fees, and that Mrs. Johnston and Messenger be a Committee for that purpose; whereupon Mr. Johnston reported the following "Bill concerning Fees" which being read

On Motion Resolved that the said bill be read a second time which was accordingly done

On Motion Resolved that the said bill be committed to a Committee of the whole House and made the order of the day for Friday next.

On Motion Resolved, that leave be given to bring in a bill concerning Ferries, and that Messrs. Johnston & Decker be a Committee for that purpose; whereupon Mr. Johnston reported the following "Bill to amend an act entitled an act to establish and regulate Ferries," which being read;

On Motion Resolved, that the said bill be read a second time which was accordingly done.

On Motion Resolved, that the said bill be committed to a[*] committee of the whole House and made the order of the day for Satureday next[27]

On Motion Resolved that leave be given to bring in a Bill concerning the practice of courts and that Messrs. Johnston & Jones be a committee for that Purpose, whereupon Mr. Johnston from said committee reported the following Bill, in addition to an act entitled an act regulating the practice of the General Court and courts of common pleas and for other purposes, which being read

On Motion Resolved that the said Bill be read a second time which was accordingly done

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Satureday next.

Mr. Speaker laid before the House the Reports of the auditor and Territorial Treasurer

On Motion Resolved that the said Reports be refered to the committee of Ways and Means

Mr. Speaker laid before the House the Petition of sundry Inhabitants of Dearborne and Clark Counties praying that slavery may not be admitted into this Territory

On Motion Resolved that the said Petition[*] do lie on the Table

On Motion Resolved that the Petitions presented to this House yesterday praying for an erection of a new county out of the counties of Clark & Dearborne be refered to a select committee and that Messrs. Decker Johnston & Messenger be that committee

Mr. Speaker laid before the House the Petition of sundry

[27] This bill was rejected by the Council. *Post,* 257, 301.

Inhabitants of Knox County praying that slavery may be admitted into this Territory and that the Delegate to Congress be instructed to this effect

[On Motion Resolved that the Petitions Just read do lie on the Table]

On Motion Resolved that a committee be appointed on the part of this House to wait on the Governer of this Territory and request information whether Samuel Gwathmey Esqr. has resigned his seat as a member of the Legislative Council in order that this House may proceed to the nomination of fit persons to the President of the United Stats to fill the said vacancy and that Messrs. Johnston and Messenger be that committee[28]

Mr. Johnston laid before the House the Petition of Robert Morrison praying that compensation may be allowed him & his witnesses for attending the court of Impeachment which was refered by motion, to a committee of Messrs. Biggs and Jones[*]

On Motion Resolved that leave be given to bring in a Bill concerning the organisation of Courts of Common Pleas and that Messrs. Jones and Biggs be a committee for that Purpose when Mr. Jones Reported the following Bill. A Bill to alter and amend an act entitled an act orginising courts of common pleas and for other pursoses. Which being read

On Motion Resolved that the said Bill be read a second time which was accordingly done

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Friday next.

Mr. Johnston from the committie to whome was refered the Petition of Catharine Moore begd leave to report the following Bill. A Bill for the releif of Catharine Moore which being handed in at the clerk's Table and being severally twice read[29]

[28] See *post,* 191, 192, 195-96, 204-5, 210-13, 226-27, 246, and sketch of Gwathmey, *post,* Appendix II.

[29] The bill granted a divorce to Catherine Moore from her former husband, John Prince, on the grounds of desertion, and legalized her subsequent marriage to Robert K. Moore. Philbrick (ed.), *Laws, 1801-9,* pp. 648-49. Divorce could be granted by the General Court and circuit courts only for bigamy, impotence, or adultery. See *ante,* 130n.

On Motion Resolved that the said Bill be refered to a committee of the whole House and made the order of the day for Satureday next.[*]

On Motion Resolvid that this House agreeable to the order of the day do resolve itself in to a committee of the whole House on the Bill for the admission of Equitable Tryals in suits at Law, and after some time spent therein Mr. Speaker resumed the chair and Mr. Messenger reported that the committee had according to order taken in to consideration the said Bill and have made several amendments there to—

On the Questian being taken whether the House do concur with the amendments it was caried in the affirmative

On Motion Resolved that the House do now resolve it self into a committee of the whole House agreeable to the order of the day on the Bill concerning Elections and after some time spent there in Mr. Speaker resumed the chair and Mr. Decker reported that the committee had according to order had taken in to consideration the said Bill and had made several amendments there to On the Questian being taken whether the House do concur with the amendments it was caried in the affirmative

On Motion Resolved that the said Bill be ingrossd for a third Reading on Thirsday next[*]

The further orders of the day being dispencid with

On Motion Resolvid that this House do now adjourn untill Tomorrow morning 9 oclock and then the House adjourned accordingly

Wednesday 5th October 1808.

The House met according to adjournment

Mr. Johnston from the committee appointed to wait upon the Governor of this Territory and request information from him whither Samuel Gwathmey Esqr as a member of the Legislative Council has resigned his seat as such member in order that the House of Representatives might proceed to the nomination of fit persons to fill said vacancy, have performed that service, and received for answer from the Governor, that he would answer the House by a written communication

Mr. Speaker laid before the House the Petition of John John-

ston and other citizens of Knox county praying that slavery may be admitted into this Territory also that the Territory may not be devided and that the deligate to Congress be instructed to this effect

On Motion Resolved that the said Petition do lie on the Table[*]

Mr. Johnston presented the Petition of William Nixon and other citizens of this Territory praying that no further measures may be taken with the General Government for the admission of slavery into this Territory

On Motion Resolved that the said Petition do lie on the Table

Mr. Johnston from the committee to whome was refered the Petitions of John Harbison and William Cunningham and other citizens of Clark County praying for a devision of said county reported the following Bill A Bill to form a new county out of the counties of Knox and Clark[30]—which being read the first time

On Motion Resolved that the said Bill be read a second time Tomorrow

A Message from the Governor by Genl Gibson his Secratary Mr. Speaker I am directed by the Governor to deliver you a written communication and then he withdrew where upon the said communication was read at the clerks Table as follows

To the House of Representatives of the Indiana Territory

Gentlemen The Legislative Council having requested me by a resolution passed this[*] day to send for their absent members Benjn Chambers and Samuel Gwathmey Esquires, I expect to be able in the course of a few days to give the House of Representatives some certain and definitive information upon the subject of the enquiry made of me yesterday relative to the last mentioned Gentleman

Indiana Ty. 5th Octo. 1808

30 This bill provided for the organization of Harrison County. *Post,* 228n.

On Motion Resolved that the House do now resolve itself into a committee of the whole House on the Bill respicting the Attorney General and for other purposes and after some time spent there in Mr. Speaker Resumed the chair and Mr. Jones reported that the committee had according to order taken into consideration the said Bill and have made an amendment thereto on the Questian being taken do the House concur with the committee it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed and read a third time To morrow

On Motion Resolved that all the Petitions before this House on the subject of slavery be refered to a select committee and that they report thereon by Bill or otherwise—and that Messrs. Johnston Messenger and Decker be that committee[31]

Mr. Jones presented the following Resolution whereas it is manifest that the county of Randolph is entitled to an additional Representative in the General[*] Assembly of this Territory—Therefore Resolved by the House of Representatives the Legislative Council concuring therein that the Governor of this Territory be and he is hereby requested to Issue his writ of Election to the sherriff of said county of Randolph for the said additional member agreeable to Law so that he may take his seat in the House at the ensuing session of the Legislature

Resolved likewise that The clerk of the House of Representatives do make out an attested Coppy here of and deliver the same to his Excellency the Governor[32]

31 Dunn (*Indiana,* 369) points out that the appointment of Johnston to this committee was a clever move on Speaker Thomas' part, since it would force Johnston to take a stand on the slavery issue. Thomas was a candidate for delegate to Congress and Johnston was probably his strongest opponent.

32 This resolution was introduced in the Council (*post,* 274-75), but did not get beyond first reading. According to the Ordinance of 1787, there was to be one representative for each five hundred free male inhabitants. Harrison had failed to act on a resolution of a previous Assembly requesting a reapportionment of representation and brought sharp criticism on himself from the Illinois counties as the following complaint to Congress from citizens from these counties in the spring of 1808 indicates: "That, notwithstanding he [Harrison] had sanctioned a Resolution of both Houses of the Legislature providing for taking the Census of the

The further orders of the day being dispenced with

On Motion Resolved that the House do now adjourn untill Tomorrow morning 9 oclock and then the House adjourned accordingly

Thirsday 6th October 1808

The House met according to adjournment

An engrossed Bill to regulate Elections was read the third time

On Motion Resolved that the said Bill do pass and that the title be an act to amend an act entitled an act to alter and amend an act to regulate Elections

an engrossed Bill concerning the Attorney General and for other purposes was read a third time

On Motion Resolved that the said Bill do pass[*] and that the title be as afore said

an engrossed Bill for the admission of Equitable trials in suits at Law was read a third time

On Motion Resolvid that the said Bill do pass and that the title be as aforesaid

On Motion Resolved that the clerk do carry the foregoing Bills Viz a Bill entitled an act to amend an act entitled an act to alter and amend an act to regulate Elections, a Bill concerning the Attorney General and for other purposes & a Bill for the admis-

free male Inhabitants of the Territory [approved December 6, 1806], for the purpose of enabling him to apportion the additional representation to the General Assembly, and authorizing him on receiving the returns of the Census to issue his writ of election to such counties as might be entitled to an additional member, he did not, on return of such Census . . . or afterwards issue the said writs of election, whereby, the Counties of Clark and Randolph, who by the said returns were each entitled to an additional member, were at last session of the Legislature deprived of an equal representation in that Body." The census showed 676 free male inhabitants over the age of twenty-one in Randolph County in 1807. Carter (ed.), *Territorial Papers,* 7:547-48, 610. See also Philbrick (ed.), *Laws, 1801-9,* pp. xlviii, 177; *ante,* 142; and the resolutions introduced by Jones and Beggs, *post,* 245, 262-63, for a general reapportionment of the representation in the Territory. These resolutions also failed to receive the attention of the pro-Harrison Council. Additional representation from the Illinois country and from the eastern county of Clark would have weakened Harrison's influence in the House; also, it would have meant added expense to the Territory.

sion of Equitable Trials in suits at Law, to the Legeslative Council and desire their concurance thereto

On Motion Resolved that the sergent at arms of this House do summons and bring before this House Robert A New and Jonathan Jenings Esqrs in order to give evedance before this House

Mr. Johnston from the committee to whome were refered the Petition of Robert Elliot and others Trustees of the Wabash Baptist church, made the following Report

That they have enquierd into the prayr of the Petition and the Incorporation act of the said church passed at[*] the last session and find that the act makes ample provision for the principals stated in the said Petition, except that the Petition prays that the Petitioners may by an act of the Legislature be made permenant Trustees, and that they shall be subject to removeal alone by the members of the church, both of which your committee deem unadvisable and impolitick, 1st Because there is no better safeguard against an abuse or usurpation of power than the will of the Society and 2nd Because by granting the prayr of the Petitioners the Incorporation would ceace with the natural lives of the Petitioners, your committee are therefore of opinion that the prayer of the Petition ought to be rejected

on the Questian being taken do the House concur with the report of the committee it was caried in the affirmative

On Motion Resolved that the Bill to form a new county out of the counties of Knox and Clark be read a second time where upon Resolved that the said Bill be refered to a committee of the whole and made the order of the day for Tomorrow

Mr. Jones laid before the House the following Resolution— whereas by a law of the Territory it is declared that no person shall be eligable to a seat in either Branch[*] of the Legislature who holds a commission during pleasure directly under the United States or this Territory[33] and where as upon examination of Robert A. New and Jonathan Jenings being first sworn it appears to this House that Samuel Gwathmey a member of the Legislative Council has accepted and now exercises the office of Regester of

[33] Section 13 of an act to regulate elections, approved September 17, 1807. Philbrick (ed.), *Laws, 1801-9,* p. 397.

the land office for the district of Jeffersonville where by his seat has become vacated, Resolved therefore that this House in pursuance of the ordinance do now proceed to nominate Two persons to be returned to the President of the United Stats in order that he may appoint one of them to fill the place of the said Samuel Gwathmey in the Legislative Council and that the speaker be and he is hereby directed to transmit the same to the President togather with this resolution

The House then proceeded to the nomination where upon Hugh Mcally and Charles Beggs was nominated and on counting the Ballots the first time there apeared for Hugh Mcally 4 Votes and for Chas. Beggs 2 Votes—the House then proceeded to a second Ballot, and on counting the Ballots there apeard for Charles Beggs 4 Votes for Hugh Mcally 1 Vote & for Joseph Barthollomy 1 Vote. Where upon Resolved that Hugh McCalley & Charles Beggs are the proppir persons to be returned to the President to fill said vacancy[*][34]

On Motion Resolvid that the House do now resolve it self into a committee of the whole on the Bill concerning the writ of Habias Corpus and after some time spent there in Mr. Speaker resumed the chair and Mr. Johnston reported that the committee had according to order taken in to consideration the said Bill and do agree to it with out any amendments

on the Questian do the House concur in the report of the committee on the said Bill it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow

On Motion The House resolved itself into a committee of the whole on the Bill concerning Treasurers &c and after some time spent there in Mr. Speaker resumed the chair and Mr. Messeng[er] reported that the committee had according to order taken

[34] This resolution and nomination are printed in Carter (ed.), *Territorial Papers,* 7:597-98. The President sent McCalley's name to the Senate on May 7, 1809, and his appointment was confirmed on June 20. U. S. Senate *Executive Journal,* 2:123, 125. Due to the election of a new Council the following year by popular vote, McCalley never served in the legislature.

into consideration the said Bill and have made an amendment thereto to which they desire the concurance of this House

on the Questian being taken do the House concur with the report of the committee on the said Bill with the amendment it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed[*] for a third reading Tomorrow

On Motion The House resolved itself in to a committee of the whole on the Bill concerning the Attorney General and after some time spent there in Mr. Speaker resumed the chair and Mr. Biggs reported that the committee had according to order taken in to consideration the said Bill and have made an amendment thereto to which they desire the concurance of this House

on the Questian being taken do the House concur in the report of the committee on the said Bill with the amendment it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading tomorrow

On Motion The House resolved itself in to a committee of the whole on the Bill to amend an act entitled an act for opening and regulating Publick Roads and High ways and after some time spent there in Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order taken into consideration the said Bill and have made some amendments thereto—to which they desire the concurance of this House[*]

on the Questian being taken do the House concur with the report of the committee on the said Bill with the amendments, it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading tomorrow

On Motion Resolved that the House do now adjourn untill Tomorrow morning 9 oclock

Friday Morning 7th October 1808

The House met according to adjournment

An engrossd Bill concerning the writ of Habes Corpus subjicendun was read the third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid—Clk to Council

an engrossed Bill concerning the Attorney General and for other purposes was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid—and that Clerk carry to LC. & desire con currence.

An engrossd Bill for the appointment of county Treasurers and for other purposes was read a third time and on motion the said Bill was amended by striking out in the margin the word Section 2 and putting in Lieu there of Section 3 where upon Resolved that the said Bill do pass[*] and that the title be as aforesaid—Clk to Council

An engrossed Bill to amend an Act entitled an act for opening and regulating Publick Roads and High ways was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid—Clk to Council

Mr. Johnston laid before the House the Petition of Cristopher Wyant and others praying that slavery may not be admitted into this Territory and that the deligate to Congress be instructed to this effect.

[Mr. Johnston laid before the House the Petition of John Alton and others citizens of Knox County praying that slavery may not be admitted in to this Territory and that the Deligate to Congress be instructed to this effect][35]

Mr. Johnston laid before the House the Petition of E McNamee and others praying that no steps may be taken with the general government to obtain slavery in this Territory and that the members of the Legislature will vote for no person as a Delegate to Congress who is in favour of slavery

On Motion Resolved that the Clerk do carry the following engrossd. Bills (to wit) A Bill concerning the writ of Habeas Corpus subjicendum A Bill concerning the Attorney General and for other purposes A Bill for the apointment of County Treas-

35 The brackets are in the manuscript Journal with a marginal note, "out."

urers and for[*] other purposes and A Bill to amend an act entitled an act for opining and regulating Publick Roads and Highways to the Legislative Council and desire their concurance thereto

On Motion Resolved that James Beggs a member of this House from the County of Clark be and he is hereby fined the sum of one Hundred & fifty Dollars for not attending as such member at the present session agreeable to the ninth section of the revised Law regulating Elections—and that his excuse if any, he has, may and shall be given by him either during the present session or by the second week of the next session of this Legislature, otherwise the fine shall stand against him and be collected[36]

Ordered that the clerk of this House do make out a certified copy hereof and transmit the same to the sherriff of Clark County, and that the said sherriff do serve the same on the said James Beggs

On Motion Resolved that the clerk of this House do carry the opinion of the General Court of this Territory on the Habeas Corpus in the case of Benjn. Beckes to the Legislative Council

On Motion Resolvid that the resolution entered into by this House on thirsday last rejecting the amendments made by the Legislative Council to the resolutions which originated[*] in this House for the Election of a Delegate to Congress, and appointing a committee of conferance on the part of this House with a request to the Legislative Council to appoint a similar committee on their part be and the same are hereby recinded

Ordered that the clerk of this House do inform the Legislative Council thereof

On Motion Resolved that this House do concur in the amendments made by the Legislative Council to the resolutions for the Election of a Deligate to represent this Territory in Congress which originated in this House

Ordered that the clerk of this House do inform the Legislative Council thereof

A message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to

[36] See *post,* 228 and 239, and sketch of Beggs, *post,* Appendix II.

inform this House that they do concur in the report of the committee apointed at the last session to contract with Stout and Smoot for printing and Binding the Laws of this Territory and Journals of Both Houses

Mr. Johnston from the committee to whome were refered the Petitions of Dearborn[*] and Clark Counties praying for the formation of a new county out of the present counties of Clark & Dearborne made the following Report

That they have had under consideration the prayer of the said Petitioners being 148 in number, and are of opinion that the same ought to be rejected for the following reasons

1st. Because from the fewness in number of the Petitioners the county which would be comprised within the Bounds, as designated by the Petitioners of the said new county can be but thinly populated and it is holden as a correct principal, that its better for a few Individuals to suffer an inconvenience than that the Publick should

2nly Because in the formation of such new county an expence is not only created to the Territory but an additional burthen thereon upon the Judges of our Supreme Court without as your committee conceives answering any valuable purpose. On Mo. Report concurred in

Mr. Johnston laid before the House the Petition of Allen Ramsey and other citizens of Dearborn County praying for a division of said county, whereupon Resolved that the said Petition be refered to a select committee of Messrs. Johnston Biggs and Decker; and they report thereon by Bill or otherwise.[37]

Mr. Johnston laid before the House the Petition of James Dill and other citizens of Dearborn County praying for a devision of said county where upon Resolved that the said Petition be refered to[*] the Committe who is to take in consideration the Petition of Allen Ramsey and others

Mr. Johnston laid before the House the Petition of Fielden Jeter and other Citizins of Dearborn County praying for a devi-

37 See report on petitions praying a division of Dearborn County, *post*, 231-32.

sion of said County where upon Resolved that the said Petition be refered as before mentioned

On Motion Resolved that leave be given to bring in a Bill regulating the admission of the practice of Attorneys and Councellers at Law and that Messrs. Jones and Messinger be a committee for that purpose, where upon Mr. Jones reported the said Bill[38] which was read the first time and

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a com[mitt]ee of the whole and made the order of the day for Tomorrow

On Motion Resolved that the House do now resolve itself into a Committee of the whole on the Bill to amend an act entitled an act regulating the Fees[*] of the several officers and persons therein named, and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order taken in to Consideration the said Bill and do concur in it without amendment

On the Questian being taken do the House Concur in the report of the Committee it was Caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading tomorrow

On Motion The House resolved itself into a Committee of the whole agreeable to the order of the day on the Bill to amend an act entitled an act Concerning Servants and for other purposes and after some time Spent therein Mr. Speaker resumed the Chair and Mr. Decker reported the the Committee had according to order taken into consideration the said Bill, and had made some amendments thereto—to which they desire the Concurance of this House

[38] This bill passed both houses of the Assembly, but was vetoed by the Governor. *Post,* 313. According to Johnston it provided "that no attorney should practice in the Territory without an actual residence except those of Louisiana Territory." Johnston also said that Harrison vetoed it because "it was not general." Vincennes *Western Sun,* November 12, 1808. Johnston voted against the bill on third reading. *Post,* 206-7.

On the Questian being taken do the House Concur in the report of the Committee of the Committee on the said Bill with the amendments it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow[*]

On Motion the House agreeable to the order of the day resolved itself into a committee of the whole on the Bill to alter and amend an act entitled an act organizing Courts of Common Pleas and for other purposes, and after some time spent there in Mr. Speaker resumed the chair and Mr. Biggs reported that the committee had according to order taken into consideration the said Bill and have made some amendments thereto—to which they desire the concurance of this House

On the Questian being taken do the House concur in the report of committee on the said Bill with the amendments it was caried in the affirmative

[On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow]

On Motion Resolved that this House do now adjourn untill 3 oclock this Evening

Friday Evening 3 oclock

The House met according to adjournment

On Motion Resolved that the Resolution passd this House yesterday respicting Saml. Gwathmey be amended by inserting after the word Presedent, (by the next mail[*]

On Motion Resolved that the House of Representatives nem. con the Resolution of the Legislative Council notwithstanding that this House have the right and will mintain it that in the present case of the Election of a Delegate to Congress this House were not only Justifyable but acted prays worthy in recinding their Resolution and agreeing to the amendments made by the Legislative Council for the following reasons 1st Because in the opinion of this House the Legislative Council unreasonably delayed to apoint the committee of Conferance from Tuesday morning untill Friday 2nly Because the Interest of their Constituants require that no unnecessary impediment should prevent their proceeding to the Election of a Delegate in persuance of the ordinance

and as recommended by the Executive so as to give the person Elected mearly time to reach the seat of the Genl Government by the meating of Congress

On Motion Resolved that the Clerk of this House do inform the Legislative Council of this resolution

On Motion Resolved that the House according to the order of the day resolve itself into a committee of the whole on the Bill for[*] erection of a new county out of the counties of Knox and Clark and after some time spent there in Mr. Speaker resumed the chair and Mr. Messenger reported that the committee according to order had taken in to consideration the said Bill and had made an amendment there to—to which they desire the concurance of this House

On the Questian being taken do the House concur in the report of the committee on the said Bill with the amendment it was caried in the affirmative

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow

On Motion Resolved that this House do now adjourn till Tomorrow morning 9 oclock and then the House adjourned

Satureday 8th Octo. 1808

The House met according to adjournment

Aan engrossed Bill to amend an act entitled an act to regulate the Fees of the several officers and persons there in named was read a third time

[On Motion Resolved that the said Bill do pass and that the title be as aforesaid]

An engrossed Bill to alter and amend an act organizing Courts of Common[*] pleas and for other purposes was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

An engrossed Bill to amend an Act entitled an act concerning servants and for other purposes was read a third time the same being amended at the clerks Table

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

An engrossed Bill to form a new county out of the counties of Knox & Clark was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

On Motion Resolved that the clerk do carry the foregoing engrossed Bills to the Legislative Council and desire their concurance thereto

A message from the Legislative Council by Mr. Hurst their Clerk—Mr. Speaker I am directed by the Legislative Council to inform this House that they have passed an act supplimental to an act entitled an act regulating the General and Courts of Common pleas and for other purposes to which they desire the concurance of this House and then he withdrew the same being read

On Motion Resolved that the said Bill be read a[*] second time on monday next

A message from the Legislative Council by Mr. Hurst their Clerk.—Mr. Speaker I am directed by the Legislative Council to inform this House that they have passed sundry resolutions which being read are as follows

Where as the Legislative Council have been informed that the House of Representatives have proceeded to the nomination of Two persons to be submitted to the President of the United States to fill the seat of Samuel Gwathmey Esquire a member of this House, and have undertaken to examin witnesses at their Barr to shew that the said Samuel Gwathmey has forfeited his right to a seat in the Council, in consequence of his having accepted an other Commission under the President of the United States, an enquiry which according to all the laws usages and customs which prevail through ought the United States, properly belongs to this House,— therefore Resolved that the House of Representatives in making a nomination to fill the seat of Saml Gwathmey Esquire under the sircomstances above mentioned have violated the wright and usurped the power of the Legislative Council

Resolved that the members of the Legislative Council being appointed and commissioned by the President of the United States

their commission can only be vacated by Death resignation or removeal, and as this House has not been informed that either of them has happened, they still consider the said[*] Samuel Gwathmey as a member of this Body, and entitled to all the rights and privileajes thereto belonging

Resolved that this House is alone competent to decide on the eligibility and necessary qualifications of its own members, and that the pretended exercise of that right by any other Body is derogatary to the honor and privilidge of the Council of unparalleled example and pregnant with the most dangerous consequences

Resolved that a copy of these Resolutions be signed by the President and attested by the clerk and sent to the President of the United States through the Governor should he think proper to transmit them, and that the President be respectfully requested to apoint no person in the room of the said Saml Gwathmey untill he shall be officially notified of his resignation

Resolvid that the clerk be diricted to transmit a copy of the above Resolutions to the House of Representatives and inform them that when there is a vacancy in this House we shall inform them of the same

On Motion Resolved the consideration of the resolutions Just read be postponed untill Monday next.

Mr. Johnston laid before the House the Petition of Elihu Stout praying relief for having printed the laws of this Territory

On Motion Resolved that the said Petition be refered to a select committee of Messrs.[*] Johnston Jones & Decker and that they report thereon by Bill or otherwise.

Mr. Messing[er] laid before the House the Petition of Nicholas Jarrot praying for a remuneration of expinces in case of an express to the Governor of this Territory in the year 1805[39]

On Motion Resolved that the said Petition be refered to a

[39] Jarrot acted as a judge in the election held in St. Clair County to choose a representative to the territorial Assembly. The election was broken "by a combination of disorderly citizens," and Jarrot forwarded an express to the Governor giving an account of the situation. Philbrick (ed.), *Laws, 1801-9,* pp. 651-52; see also *ante,* 24-25n.

select committee of Messrs. Johnston Jones & Messinger and that they report thereon by Bill or otherwise.

The House according to the order of the day resolved itself into a committee of the whole House on the Bill to amend an act entitled an act regulating the admission of and Practise of Attorneys and Counselors at Law and after some time spent there in Mr. Speaker resumed the chair and Mr. Messinger Reported that the committee had according to order had the said Bill under consideration and made no amendments thereto

On Motion Resolved that the said Bill be engrossed and read a third time this evening.

The House according to the order of the day resolved itself into a committee of the whole House on the Bill in addition to an act entitled an act regulating the practice of the General Court and Courts of Common Pleas and for other purposes, and after some time spent therein Mr. Speaker[*] resumed the chair and Mr. Johnston Reported that the committee had according to order had the said Bill under consideration and had made an amendment thereto which he delivered in at the clerks Table where the same being severally twice read and agreed to by the House

On Motion Resolved that the said Bill with the amendment be engrossed and read a third time on Monday next.

The House according to the order of the day resolved itself into a committee of the whole House on the Bill to amend an act entitled an act to establish and regulate Ferrys and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order had the said Bill under consideration and made no amendments there to

On Motion Resolved that the said Bill be engrossed and read a third time on Monday next, and then the House adjourned untill 3 oclock this evening

The House met according to adjournment

An engrossed Bill to amend an act entitled an act regulating the admission and practice of Attorneys and Councellers at Law the same being amended was read a third time and on the Questian that the same do pass it was resolved in the affirmative— yeas. 3 nays. 1

the yeas and nays being demanded by one of the members present. Those who voted in the affirmative are Messrs. Biggs Decker and[*] Messinger and those who voted in the negative were Mr. Johnston

On Motion Resolved that the title of the said Bill be as aforesaid

The House according to the order of the day resolved itself into a committee of the whole House on the Bill for the relief of Catharine Moore and after sometime spent there in Mr. Speaker resumed the chair and Mr. Messinger reported that the committee had according to order had the said Bill under consideration and made no amendment thereto

On Motion Resolved that the said Bill be engrossed and read a third time on Monday next, and then the House adjourned untill Monday morning nine oclock—

Monday Morning 10th Octo 1808

The House met according to adjournment

The following engrossed Bills was read a third time, a Bill in addition to an act entitled an act regulating the practice of the genl Court and Courts of Common pleas, and for other purposes, a Bill for the relief of Catharine Moore, & A Bill to amend an act entitled an act to establish and Regulate Ferrys

On Motion Resolved that the said Bills do pass and that the titles be as aforesaid[*]

On Motion Resolved that the clerk do carry the said engrossd Bills to the Legislative Council and desire their concurance thereto

On Motion Resolved that the several Petitions before this House, for and against the division of Clark county and the formation of a new county out of the counties of Knox & Clark— and the Petition and accompanying documents of Catharine Moore be caried by the clerk of this House to the Legislative Council with a request that the same may be returned to this House

On Motion Resolved that so much of the report of the committee appointed last session to superintend the Printing and distributing the Laws as relates to the compensation proper for the

said committee and their assistants to receive, be refered to the committee appointed on the part of Elihue Stout

An act supplemental to an act entitled an act regulating the practice in the General and courts of common pleas and for other purposes, from the Legislative Council was read a second time

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Wednesday next.[*]

Mr. Jones from the committee to whome were refered the Petition of Robert Morrison, reported a Bill for the relief of Robert Morrison and others—which being read the first time

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the same be committed to a committee of the whole House and made the order of the day for Tomorrow

Mr. Johnston from the select committee to whome were refered the Petition of Elihue Stout made the follow Report

That they have examined into the said Petition with its accompanying certifycates and likewise into the report of the said committee and find

1st. that the contract entered into by the aforesaid committe with Stout & Smoot for printing and Binding the Laws was not complied with by some months—but they believe it was owing not to the willfull neglect of the Printers, but the inclemmency of the weather and the situation of the Wabash River which combined rendered the difficulty of procureing paper from Kentucky the moste approximate place where it could be had—to this place very great.[*]

2nly That in as much as the committee for printing the laws &c would not take upon them selves to certify generally in favour of the Printers that the work had been done agreeable to contract, but only specially, in which your committee conceive they acted correctly, and as the auditor upon such special sertifycate refused to Audit the said Printers have no other way of coming at a compensation than by an act of the Legislature—and as in the opinion of your committee the Printers ought to be allowed the full

amount of their contract Viz—For Printing the Revised Code & acts passed at last session with the marginal notes and Index 570 pages
at one Dollar pr. page.....$570.00
For Binding in Boards 570 copies at 25/100..... 125.00

$695.00

your committee have here with reported a Bill for their relief—in reporting of which your committee could not take notice of Elihue Stout alone because he has not producd an assignment or proof there of from his former partner Smoot for his moiety

3rdly That the committee who were appointed at the last session to make the marginal notes and Index attended the Printing collating binding and distributing the revised code and acts passed at the last session have at a considerable sacrifice and some expence performed that service—and that not only them selves[*] but their assistants should receive an adequate compensation your committee have therefore coupled in the aforesaid Bill a section making provision for their allowance

Mr. Johnston then Reported the following Bill for the relief of the Printers of the revised code, and for other purposes, which being read the first time

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

On Motion Resolved that leave be given to bring in a Bill allowing compensation to the members of the Legislative Council and House of Representatives & to the officers of Both Houses for the Present session and that Messrs. Johnston Jones & Messinger be a committee for that purpose where upon Mr. Johnston from said committee presented the said Bill which being read

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be[*] committed to a

committee of the whole House and made the order of the day for Tomorrow

The House then proceed to the consideration of the Resolutions from the Legislative Council on Satureday respecting the nomination made by this House for a Person to fill the seat of Saml Gwathmey in the Council where upon Mr. Johnston Introduced the following Resolutions

Where as Samuel Gwathmey Esquire as a member of the Legislative Council of this Territory did as has satisfactorily appeared to this House in the month of August last resign his seat as such member—and did as was done in the case of Shadrack Bond senr. a member of the Legislative Council from the county of St Clair, Transmit by the hands of the Honrble. Waller Taylor to the Governer of this Territory from whome he had secured the commission as such counceller by directions of the President of the United States his resignation—and whereas this House on the ninth day of its present session, being the fourth day of october Instant entered into the following Resolution

Resolved that a committee be appointed on the part of this House to wait on the governor of this Territory, and request information whether Saml Gwathmey Esqr. has resigned his seat as a member of the Legislative Council[*] in order that the House may proceed to the nomination of fit persons to the President of the United States to fill the said vacancy, and that Messrs. Johnston & Messenger be that committee, the committee named therein in virtue there of waited upon the governor on the day of the passage thereof who returned them for answer, that he would answer the request of the House of Representatives in writing, and uppon the following day being the fifth Instant, he by his secratary Genl Gibson made this House the following answer

To the House of Representatives of the Indiana Territory

Gentlemen the Legislative Council having requested me by a resolution passed this day to send for their absent members B. Chambers & Saml Gwathmey Esqrs I expect to be able in the course of a few days to give the House of Representatives some

certain and definitive information upon the subject of the enqury made of me yesterday relative to the last named Gentleman—

which answer the House Immediately proceeded to consider of, and not conceiveing the same either satisfactory or sufficient they entered into the following Resolutions

Where as by a Law of the Territory it is declared that no Person shall be eligable to a seat in either Branch of the Legislature who holds a commission during[*] pleasure directly under the President of the United States or this Territory—and whereas upon examination of Robert A New and Jonathan Jenings being first sworn it apears to this House that Samuel Gwathmey now exercises the office of Register of the land office for the district of Jeffersonville whereby his seat has become vacated—Resolved therefore that this House in persuance of the ordinance do now proceed to nominate Two persons to be returned to the President of the United States in order that he may appoint one of them to fill the place of the said Saml Gwathmey in the Legislative Council and that the speaker be and he is hereby directed to transmit the same to the President by the ensuing mail togather with this Resolution—which this House conceived itself autherised to do from the revised Laws of the Territory page 241 being a Law to regulate Elections, in the 13th section whereof it is thus provided, no sherriff under sherriff clerk of any court or person holding a commission during pleasure directly under the United States or this Territory except Justices of the peace and Militia officers shall be elegable to a seat in either branch of the Legislature—and the said nomination took place accordingly, when Hugh McCally and Charles Beggs was duly nominated as will appear by the nomination accompanying this resolve—and[*] whereas the Legislative Council without being officially informed of the above nomination have from what cause this House will not express, but the world easily can and the President of the United States may conjecture intered into the following resolutions

Where as the Legislative Council have been informed that the House of Representatives have proceeded to the nomination of Two persons to be submitted to the President of the United

States to fill the seat of Samuel Gwathmey Esqr. a member of this House and have undertaken to examin witnesses at their Barr to shew that the said Saml Gwathmey has forfeited his right to a seat in the Council in concequence of his having accepted an other commission under the President of the United States an enquiry which according to all the laws usages & Customs which prevail throughout the United States properly and exclusively belongs to this House

Therefore Resolved that the House of Representatives in making a nomination to fill the seat of Saml Gwathmey Esquire under the sircomstances above mintioned have violated the right and usurped the power of the Legislative Council

Resolved that the members of the Legislative Council being appointed and commissioned by the President of the[*] United States their commission can only be vacated by death resignation or removal and as this House has not been informed that either of them has happened they still consider the said Saml Gwathmey as a member of this Body and entitled to all the rights and privilidges there to belonging

Resolved that this House is alone competent to decide on the eligibility and necessary qualifications of its own members and that the pretended exercise of that right by any other body is derogatory to the Honor and Privilidge of the Council of unparalleled example and pregnant with the most dangerous concequences

Resolved that a copy of these resolutions be signed by the President and attested by the clerk and sent to the President of the United States through the Governor should he think proper to transmit them and that the President be respectfully requested to appoint no person in the room of the said Saml Gwathmey untill he shall be officially notified of his resignation

Resolved that the clerk be directed to transmit a copy of the above Resolutions to the House of Representatives and enform them that when there is a vacancy in this House we shall inform them of the sa[me][*] H Hurst ck. C 8th Octo. 1808

The House of Representatives take it as a corrict position that was there no other way than that pointed out by the Legislative

Council in the aforesaid Resolution for this House to gain information of the seat of one of the members of the Legislative Council becomeing vacant the council might never be full nor nominations by this House ever take place because the information from the Legislative Council to this House through Political or other views might never be given

Resolved therefore by the House of Representatives of the Indiana Territory nem. con. that a copy of the above statement and this resolution be immediately made out attested by the clerk and signed by the Speaker of the House and by him forwarded to the President of the United States by the ensuing mail[40]

the the further orders of the day being postponed untill To morrow the House adjourned untill Tomorrow morning 9 oclock

Tuesday 11th October 1808

The House met according to adjournment.

Mr. Johnston laid before the House the following Resolutions which being read was agreed to by the House and[*] were as follows

Where as by the ordinance the Right of Electing a Delegate to Congress is vested in the Council and House of Representatives of this Territory and where as it is more congenial to the Principals of Free Governments and it is the wish of our constituants that the organs of the Publick will should be Elected Immediately by the free Citizens Resolved therefore that our Delegate to Congress be and he is hereby autherised to procure at the ensuing session of Congress the passage of a Law providing that the citizins of this Territory entitled to vote for Representatives to the General Assembly shall at the time of electing their Representatives to the said General assembly also elect one Delegate from the said Territory to the Congress of the United States who shall

[40] Governor Harrison transmitted these resolutions to President Jefferson on October 12, 1808. Esarey (ed.), *Messages and Letters,* 1:312. The resolutions, as quoted by Esarey, 312-15, show considerable variation in order and arrangement and some variation in content from those in the Journal.

posess the same powers heretofore granted to the Deligates from the several Territorys of the United States:[41]

Resolved that our Delegate endeavour to procure a repeal of that part of the ordinance which vests in the Governor of this Territory an absolute negative on all acts[42] and also that part which confers on him the power of Progueing and dissolving the General Assembly when in his opinion it shall be expedient,[43] and that he use his endeavours to procure a Law to be passed vesting in the said governor powers in those respects similar to those exersised by the[*] President according to the constitution of the United States—and where as it appears to this House that the Powers vested in the genl Court of the Territory of hearing and determining all civil and criminal causes without apeal to any other Tribunal is dangerous in it self and may be pregnant with the greatest mischief to the lives Liberty and Property of the citizens—

41 The privilege of electing the territorial delegate to Congress was granted to the voters of Indiana Territory by an act approved February 27, 1809, which also provided for popular election of the members of the Council. U. S. *Statutes at Large,* 2:525-26. See also memorial from citizens of Harrison County, undated, praying an extension of suffrage, which was read in the U. S. House on February 3, 1809. Carter (ed.), *Territorial Papers,* 7:632-35.

42 The citizens of the Illinois country stated their grievances against Harrison's use of the veto power in their remonstrance to Congress in the spring of 1808, declaring "that he has in an arbitrary manner put his veto on several bills passed by both Houses of the Legislature, which were calculated for the impartial administration of Justice and the general good of the Territory—Among many others the following, A Bill for the selection and appointment of Jurors and a bill vesting certain equitable powers in the several Courts of Law, which would supercede the necessity of a Court of Chancery, relieve the Inhabitants from an oppressive burthen and the Suitors from the delays and expences attendant on such Courts—" Carter (ed.), *Territorial Papers,* 7: 548.

43 On November 15, 1808, a resolution was introduced into the U. S. House by George Poindexter, delegate from Mississippi Territory, that a select committee be appointed to inquire into the expediency of repealing so much of the Ordinance of 1787 as authorized the territorial governors to prorogue and dissolve the territorial assemblies when they willed. The matter was referred to a select committee, headed by Poindexter, which reported a bill to that effect on the 16th. It was debated on the 16th and 18th, and finally the House voted to postpone action on it indefinitely. *Annals of Congress,* 10 Congress, 2 session, 487, 492-93, 501-10. The question arose during the following session, but no action was taken. *Ibid.,* 11 Congress, 1 session, pt. 1:218-19.

Resolved therefore that our Delegate be further Instructed to use his endeavours to have a Law passed at the next session of the national Legislature allowing of appeals from the said General Court to the Federal Circuit Court of the District of Kentucky in all cases above a detirminate value to be ascertained by Law, and that the decission of the said Federal Circuit Court shall be final[44]

On Motion Resolved that three copies of the aforesaid Resolutions be immediately made out attested by the clerk and signed by the Speaker, one of which shall be forwarded by the Speaker to the President of the United States an other to the Speaker of the House of Representatives of the United States, and the other delivered to our Deligate to Congress[45]

Mr. Jones laid before the House a Resolution which being read as follows—

Where as it appears to this House[*] that great and increasing discontents prevail among the people in the counties of this Territory west of the Wabash in consequence and growing out of their connection with the People eastward of the said River, principally arising from the sircomstances of their being united for the purpose of Temperary government only—and it is manifest to this House that a seperation by law, of the western from the eastern part of this Territory is the only means now left of restoreing harmony terminating those discontents and quieting the minds of the People so essential to the Prosperity of an infant country, and whereas it is considered to be unnecessary to enter into a detail of the various other causes which have produced those discontents as it

[44] Since there was no system of Federal courts at the time the Northwest Ordinance was passed, there was no provision made for appeals from the territorial General Court to a higher court. On this see Carter (ed.), *Territorial Papers,* 7:160-62, particularly note 17, and Philbrick (ed.), *Laws, 1801-9,* pp. clxiii ff.

[45] These resolutions were introduced into the U. S. House of Representatives on November 14, and ordered to lie on the table. On December 13, on motion of Jesse B. Thomas, the new territorial delegate from Indiana, they were referred to a select committee appointed to inquire into the expediency of dividing Indiana Territory. *Annals of Congress,* 10 Congress, 2 session, 484, 815. See similar resolutions passed by the Legislative Council, *post,* 286-87n.

appears they have been already laid before Congress and are of such a nature as can be removed only by an act of the General Government—and where as it hath been alledged by those counties and is beleaved by this House that as they contribute to the revenue considerably more than the expencis of the Government they pray for would draw from the Publick Treasury and considering also that it is the right of every free People to have a government of their chois, and has ever been the liberal and enlightened policy of the United States to extend the benefits thereof to their Territorys when it was consistant with the[*] general good, Resolved therefore that our Delegate to Congress be and he is hereby instructed to use all the means in his power to procure at the ensuing session of the national Legislature a Devision of this Territory as provided by the ordinance of Congress and as hath heretofore been frequently prayed for by the People of that Portion of the Territory

Resolved also that copies of this Resolution be made out signed by the Speaker and attested by the clerk whereof one shall be immediately Transmitted by mail to the President of the United States one to the President of the Senate one to the Speaker of the House of Representatives and the other be delivered to our Delegate in case one shall be Elected and it shall be the duty of the Speaker of this House to Transmit and deliver the copies aforesaid

on the Questian that the House do agree to the foregoing Resolution the yeas & nays being called for by one of the members those who voted in the affirmative were Messrs. Biggs Jones & Messinger and those who voted in the negative were Messrs. Decker & Johnston yeas 3 nays 2[46]

[46] The representatives voting against the petition were from Knox County which stood to lose much of its political pre-eminence as well as its central location in the Territory by division. See the resolution of the Legislative Council (*post,* 312-13) against division, Bond and Fisher, Harrison men, voting in the affirmative and John Rice Jones, an anti-Harrison man, in the negative; and petition from the inhabitants of Knox County to Congress against division in Carter (ed.), *Territorial Papers,* 7:619-22.

Desire on the part of the counties of the Illinois country to be separated from the country east of the Wabash was not new. As early as 1803 they petitioned Congress to be divided from Indiana Territory and

Mr. Johnston from the committee to whome were refered the Petition of[*] Nicholas Jarrot made the following Report

That they have examined into the prayr of the Petition and the law of the Territory which directed from whince and in what manner the expencis of Elections should be paid and are of opinion that he should be remunerated the expencis which he incured by sending an express to the executive of the Territory as the same was done for the maintainance of good order, but that the same should be paid him out of the county Treasury of St Clair they have therefore reported for his relief the following Bill a Bill for the Relief of Nicholas Jarrot the same being read

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

On Motion Resolved that leave be given to bring in a Bill supplemental to an act entitled an act to atherise the proprietors of the land in the lower Prairie in the county of Knox to enclose the same and for other purposes and that Messrs. Johnston, Jones & Dicker be a committee to prepare[*] and bring in the same whereupon Mr. Johnston Reported the said Bill which being read

annexed to Upper Louisiana. See *ante,* 25-27 and note 14. Other petitions from that section praying for division were introduced into Congress in 1805, 1806, and 1807. See Dunn, *Slavery Petitions and Papers,* 483-92, 503-6, 510-12. More were forwarded in 1808, including the lengthy petition directly attacking Governor Harrison on seven points "as guilty of a conduct unworthy of his Office and disgraceful to the Nation." See Carter (ed.), *Territorial Papers,* 7:544, 545-50, 551-54. For a discussion of the relationship between the issues of division and slavery and between the advocates of these and members of the Harrison faction, see Dunn, *Indiana,* 337 ff.

The resolutions from the territorial House were introduced into the U.S. House on November 14, and into the Senate on the 15th. On December 13, on motion of Jesse B. Thomas, a committee consisting of Thomas, Thomas Kenan, of North Carolina, Burwell Bassett, of Virginia, Samuel Taggart, of Massachusetts, and John Smilie, of Pennsylvania, was appointed to inquire into the expediency of dividing the Territory. On December 31 the committee reported and introduced a bill for division which passed both houses and was approved on February 3, 1809 *Annals of Congress,* 10 Congress, 2 session, 484, 815, 971-73, 1078, 1094, 1808. The committee report is given 971-73. U.S. *Statutes at Large,* 2:514-16.

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

A Message from the Legeslative Council by Mr. Hurst their clerk, Mr. Speaker I am dericted by the Legislative Council to inform this House that they do concur in the Bill which originated in this House to form a new county out of the counties of Knox & Clark with some amendments to which they desire the concurance of this House and then he withdrew

The House then proceeded to consider the amendments proposed to the said Bill by the Legislative Council and on the Questian there on it was agreed to by the House

On Motion Resolved that the clerk do inform the Legislative Council thereof[*]

On Motion Resolved that so much of the Report of the committee appointed last session to superintend the Printing and distributing the laws as relates to mistakes in the passage of the acts at last session and Typographycal errors in the Printing thereof be refered to a select committee of Messrs. Johnston Messinger & Decker and that they Report thereon by Bill or otherwise

The House according to the order of the day resolved itself into a committee of the whole House on the Bill for the relief of Robert Morrison and others, and after some time spent there in Mr. Speaker resumed the chair and Mr. Biggs Reported that the committee had according to order had the said Bill under consideration and made several amendments thereto, which he delivered in at the clerks Table where the same were severally Twice read and agreed to by the House

On Motion Resolved that the said Bill be re-committed to a Committee of the whole House & made the order of the day for to-morrow.

The House according to the order of the day resolved it self in to a committee of the whole House on the Bill allowing[*] compensation to the members of the Legislative Council and House of Representatives and to the officers of both Houses for

the Present session, and after some time spent therein Mr. Speaker Resumed the chair and Mr. Messinger reported that the committee had according to order had the said Bill under consideration and made several amendments thereto, which he delivered in at the clerks Table where the same were severally Twice read and agreed to by the House

On Motion Resolved that the said Bill be ingrossed for a third reading on thirsday next.

The House according to the order of the day resolved itself into a committee of the whole House on the Bill for the Relief of the Printers of the Revised Code and for other purposes and after some time spent therein Mr. Speaker resumed the chair and Mr. Decker reported that the committee had according to order had the said Bill under consideration and have made several amendments thereto which he delivered in at the clerks Table when the same were severally Twice read and agreed to by the House

On Motion Resolved that the said Bill be engrossd for a third reading on thirsday next.[*]

A message from the Legislative Council by Mr. Hurst their Clerk—Mr. Speaker I am directed by the Legislative Council to inform this House that they have passed the following acts an act to amend an act entitled an act for the trial of small causes and an act to amend an act entitled an act concerning Exicutions

they have also passed an act to amend an act intitled an act for opening and regulating Publick roads and high ways with some amendments to all of which they desire the concurance of this House and then he with drew

The following Bills from the Legislative Council was read the first time, a Bill entitled an act to amend an act entitled an act for the trial of small causes, and a Bill entitled an act to amend an act entitled an act concerning Exicutions

On Motion Resolved that the said Bills be read a second time now

On Motion Resolved that the said Bills be committed to a committee of the whole House and made the order of the day for Friday next.

The House then proceeded to consider the amendments made

by the Legislative Council to the act to amend an act entitled an act for opening and regulating Publick Roads and[*] High ways the same being severally Twice read was agreed to by the House

On Motion Resolved that the clerk do inform the Legislative Council thereof—and then the House adjourned untill Tomorrow morning 9 oclock

Wednesday Morning 12th Octo. 1808

The House met according to adjournment

Mr. Johnston from the committee of enrolled Bills reported that the said committee had according to order compared the engrossed with the enrolled Bill in an act to form a new county out of the counties of Knox and Clark, and find the same duly enrolled whereupon Mr. Speaker signed the said enrolled Bill—ordered that the Clerk of this House do inform the Legislative Council thereof

Mr. Johnston laid before the House the Petition of Robert Huston and other citizens of Knox County praying that slavery may not be admitted into this Territory, and that the Delegate to Congress be instructed to this effect

On Motion Resolved that the said Petition be refered to the committee formerly appointed to take into consideration the several Petitions respecting slavery[*]

Mr. Johnston from the committee to whome were refered so much of the report of the committee appointed last session to superintend the Printing and distributing the Laws as relates to mistakes in the Passage of the acts at the last session and Typographical errors in the Printing thereof Reported the following Bill. A Bill respecting the Revised Code of this Territory and for other purposes[47]—which being read

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

[47]This bill was introduced into the Council and laid over until the next session.

The House according to the order of the day resolved itself into a committee of the whole House on the Bill from the Legislative Council an act supplimental to an act entitled an act regulating the Practice in the General Court and Courts of Common Pleas and for other purposes and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order had the said Bill under consideration and have made several amendments thereto which he delivered in at the clerks Table where the same was severally Twice read and agreed to by the[*] House

On Motion Resolved that the said Bill be engrossed for a third reading now

On Motion Resolved that the clerk do carry the said engrossed Bill to the Legislative Council and inform them that this House have made some amendments to the said Bill to which they desire the concurance of the Legislative Council

The House according to the order of the day resolved itself in to a committee of the whole House on the Bill for the relief of Nicholas Jarrot, and after some time spent there in Mr. Speaker resumed the chair and Mr. Johnston Reported that the committee had according to order had the said Bill under consideration and made no amendments thereto

On Motion Resolved that the said Bill be engrossed to a third reading Tomorrow

The House according to the order of the day resolved it self into a committee of the whole House on the Bill supplimental to an act entitled an act to autherise the proprietors of the land in the lower Prairie in the county of Knox to enclose the same and for[*] other Purposes and after some time spent therein Mr. Speaker resumed the chair and Mr. Messinger reported that the committee had according to order had the said Bill under consideration and made several amendments thereto which he delivered in at the clerks Table where the same being severally Twice read was agreed to by the House

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow

Mr. Johnston from the committee of enrolled Bills Reported

that the said committee had according to order presented to his excellency the Governor for his approbation the act to form a new county out of the counties of Knox and Clark

Ordered that the clerk do inform the Legislative Council thereof

The further orders of the day being Postponed untill Tomorrow—the House adjourned untill tomorrow morning 9 oclock

Thursday Morning 13th Octo 1808

The House met according to adjournment Mr. Speaker laid before the House the Petition of Charles Beggs and others citizens of this Territory praying that slavery may not be admitted into said Territory and that the Delegate to Congress be instructed to this effect

On Motion Resolved that the said Petition be[*] refered to the committee formerly appointed to take into consideration the several Petitions respecting slavery

Mr. Speaker laid before the House the Petition of Robert Robertson and others citizens of this Territory praying that slavery may not be admitted into said Territory and that the Delegate to Congress be instructed to this effect

On Motion Resolved that the said Petition be refered to the committee formerly appointed to take into consideration the several Petitions respecting slavery

Mr. Johnston laid before the House the Petition of James Knight and others citizens of Dearborn County praying for the formation of a new county out of the said county of Dearborne

Mr. Johnston laid before the House the Petition of George leach and others citizens of this Territory praying that slavery may not be admitted into said Territory and that the Delegate to Congress be instructed to this effect

An engrossed Bill allowing compensation to the members of the Legislative Council and House of Representatives, and the officers of both Houses for the present session was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid[*]

An engrossed Bill for the relief of the Printers of the Revised Code and for other purposes was read a third time

On Motion Resolved that the said Bill do pass and that the title be as afore said

On Motion Resolved that the clerk do carry to the Legislative Council with a request that the same may be returned to this House the Petition and accompanying documents of Elihue Stout, and the Papers laid before this House by the committee to superintend the Printing of the revised Code and for other purposes— and then the House adjourned untill 3 oclock this Evening

The House met according to adjournment

An engrossed Bill for the relief of Nicholas Jarrot was read a third time

On Motion Resolved that the said Bill do pass and that the title be, an act for the relief of Nicholas Jarrot

Ordered that the clerk of this House do carry the said Act to the Legislative Council and desire their concurance thereto

On Motion Resolved that this House is now ready pursuant to the Joint Resolutions of both Houses to meet the Legislative Council in the Representative Chamber or any other place they may appoint in order to proceed by the Joint Ballot of both[*] Houses to Elect a Delegate to Represent this Territory in Congress

Ordered that the clerk of this House do inform the Legislative Council of this Resolution

On Motion Resolved that leave be given to bring in a Bill, to alter and amend an act regulating County Levies and that Messrs. Jones and Messinger be a comittee to prepare and bring in the same, whereupon Mr. Jones from the said committe Reported a Bill to alter and repeal certain parts of an act entitled a Law to regulate County Levies, the same being read

On Motion Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

An engrossed Bill supplimental to an act entitled an act

autherising the proprietors of lands in the lower Prairie to inclose the same and for other purposes was read the third time

On Motion Resolved that the said Bill do pass[*] and that the Title be an act supplimental to an Act entitled an Act authorising the Proprietors of Land in the lower Prairie in the county of Knox to enclose the same and for other purposes

On Motion Resolved that the clerk of this House do carry the said act to the Legislative Council and desire their concurance thereto

The House according to the order of the day resolved it self into a committee of the whole House on the Bill for the relief of Robert Morrison and others and after some time spent therein Mr. Speaker resumed the chair and Mr. Johnston Reported that the committee had according to order had the said Bill under consideration and have made several amendments thereto, which he delivered in at the clerks Table the same being severally Twice read was agreed to by the House

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow.

The further orders of the day being postponed untill Tomorrow the House adjourned untill Tomorrow morning 9 oclock

Friday Morning 14th Octo., 1808

The House met according to adjournment

On Motion Resolved that the Petition of James Knight and others citizens of Dearborne County presented[*] to this House yesterday be refered to the committee formerly appointed to take in to consideration the several Petitions from said county respecting a devision thereof

Mr. Johnston from the committee of Enrolled Bills Reported that the said committee had truly examined the engrossed with the enrolled Bill, entitled an act to amend an act entitled an act for opening and regulating Publick Roads and high wais, where upon Mr. Speaker signed the said enrolled Bill. Ordered that the clerk of this House do inform the Legislative Council thereof

An Engrossed Bill making provision for the compensation of

Robert Morrison and the witnesses who attended the trial of his Impeachment, was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

On Motion Resolved that the clerk of this House do carry the said Bill to the Legislative Council and desire their concurance thereto

Mr. Speaker laid before the House the Petition of John Baddolet and others citizens of this Territory praying that slavery may not be admitted into said Territory, and that our Delegate to Congress be instructed to this effect[*]

On Motion Resolved that the said Petition be refered to the committee formerly appointed to take into consideration the several Petitions respecting slavery

Mr. Speaker laid before the House the Petition of William Achison and other citizens of St Clair County praying that all the Petitions before this House against the admission of slavery into this Territory may be thrown under the Table

On motion made and seconded that the said Petition now presented be thrown under the Table it passed in the negative, the yeas & nays being called for those who voted in the negative were Messrs Biggs Jones & Messinger, and those who voted in the affirmative were Messrs Johnston & Decker nays 3 yeas 2 A motion was then made and seconded that the said Petition do lie on the Table and on the Questian being Taken it was Caried in the negative

Mr. Johnston laid before the House the Petition of William McClure and others praying that Slavery may be admitted into this Territory and that no person may be Elected as a Delegate to Congress who is not in favour of Slavery or who is in favour of a devision of the Territory

On Motion Resolved that the said Petition be refered to the Committee formerly appointed to take into consideration the several Petitions respicting Slavery.

The House according to the order of the day resolved itself into a Committee of the whole House on the Bill to alter and[*] repeal certain parts of an act entitled a Law to regulate County

Levies and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order had the said Bill under consideration and had made some progress therein and a[s]ked leave to set again

On the Questian being taken do the committee have leave to set again it was caried in the affirmative

The House according to the order of the day resolved it self into a committee of the whole House on the Bill from the Legislative Council entitled an act to amend an act entitled an act establishing courts for the trial of small causes, and after some time spent therein Mr. Speaker resumed the chair and Mr. Messinger reported that the committee had according to order had the said Bill under consideration and have made several amendments thereto which he delivered in at the clerks Table the same being severally Twice read was agreed to by the House

On Motion Resolved that the said Bill be engrossed for a third reading Tomorrow

A Message from the Governor by[*] General Gibson his Secratary Mr. Speaker I am directed to deliver this House a written communication which being read was as follows

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I have it now in my power to give you decisive information on the subject of Mr. Samuel Gwathmeys Resignation of his seat in the Legislative Council

Previously to the meeting of the Legislature, I received from Mr. Gwathmey a letter requesting me to communicate to the President of the United States his Resignation of his appointment as councellor, but when the session was opened finding that but three members of the Council attended and hearing that there was a prob[ab]ility that one of them would vacate his seat, either by Resignation or by his Election to the office of Delegate to Congress, I returned Mr. Gwathmey his letter of Resignation and strongly urged the propriety of his Taking his seat for a week or Two to prevent a dissolution of the Legislature for the want of a competant number of members in the Council, he has however

declined doing so and wishes me to notify you that he considers himself no longer a member of the Council

WILLIAM HENRY HARRISON

INDA TERRITORY 14th Octo. 1808[*]

A Message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they do concur in the Act for the relief of Catharine Moore with some amendments to which they desire the concurance of this House and then he withdrew

The House then proceeded to consider the amendments made by the Legislative Council to the said act for the relief of Catharine More which being read was agreed to by the House—Ordered that the clerk do inform the Legislative Council thereof

The further orders of the day being postponed untill Tomorrow the House adjourned untill Tomorrow morning 9 oclock

Satureday morning 15th Octor 1808

The House met according to adjournment

On Motion Resolved that the Petition presented this House yesterday from St Clair County respecting slavery be committed to the committee formerly appointed to take into consideration the several Petitions before this House concerning slavery

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to[*] Inform this House that they have passed an Act making compensation to the chancelor of this Territory and for other purposes—and they have rejected the act that originated in this House for the admission of Equitable Trials in suits at Law—they have also rejected an act concerning the former Attorney General and then he withdrew

The House according to the order of the day resolved itself into a committee of the whole House on the Bill to alter and repeal certain parts of an act entitled a Law to regulate county Levies, and after some time spent therein Mr. Speaker resumed the chair and Mr. Messinger Reported that the committee had according to order had the said Bill under consideration and have made sev-

eral amendments thereto which he delivered in at the clerks Table where the same was severally Twice read and agreed to by the House

On Motion Resolved that the said Bill be engrossed for a third reading on monday next. the further orders of the day being postponed untill Monday the House adjourned untill Monday Morning nine oclock[*]

Monday morning 17th Octo—1808

A new member from the county of Clark Viz Mr. James Beggs appeared and Took his seat.

An engrossed Bill to alter and repeal certain parts of an act entitled a Law to regulate County Levies, was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid.

Ordered that the clerk do carry the said Bill to the Legislative Council and desire their concurance thereto

A message from the Governor by General Gibson his secratary Mr. Speaker I am directed by the governor to inform this House that on the 11th Instant he did sign and approve a Law passed by the Two branches of the Legislature, entitled an act forming a new county out of the counties of Knox and Clark.[48] I am also directed to inform you that on the 14th Inst. he did sign and approve an act to amend an act entitled an act for opening and regulating Publick Roads and high wais both of which acts originated in this House and then he withdrew

Mr. Johnston from the committee of enrolled Bills reported that the said[*] committee according to order had Truly examined the engrossed with the inrolled Bill entitled an act for the relief of Catharine Moore and find the same to be duly enrolled where upon Mr. Speaker signed the said enrolled Bill—Ordered that the clerk of this House do inform the Legislative Council thereof

An engrossed Bill from the Legislative Council entitled an act

[48] The first civil officers for the new county of Harrison were appointed and commissioned by Governor Harrison on December 8, 1808. Territorial *Executive Journal,* 151.

to amend an act entitled an act for the Trial of small causes, was read a third time a Motion was made and seconded that the said Bill be recommitted to a committee of the whole House, and on the Questian being taken it was caried in the negative

On Motion Resolved that the said Bill do pass and that the title be as aforesaid, Ordered that the clerk do inform the Legislative Council thereof

Mr. Johnston from the committee of enrolled Bills, Reported that the said committee had according to order presented the Governor for his approbation the act for the relief of Catharine Moore

Mr. Johnston laid before the House the Petitions of Henry Miller and Smith Hunt[*] and other citizens of Dearborne County praying for a Devision of said county—ordered that the said Petitions be refered to the committee appointed to take into consideration the several Petitions respicting a devision of said county

Mr. Johnston laid before the House The Petition of Isaac Montgomery and Robert Anderson praying compensation for having reviewed the road from Hasletons Ferry to Shawnee Town —ordered that the said Petition be refered to a select committee of Messrs. Johnston Jones & Beggs and that they report thereon by Bill or otherwise

A message from his Excy by General Gibson his Secratary Mr. Speaker I am requested by the Governor to inform this House that he did this day sign and approve a Law passed by both branches of the Legislature entitled an act for the relief of Catharine Moore

The House according to the order of the day resolved it self into a committee of the whole House on the act from the Legislative Council, entitled an act to amend an act entitled an act concerning Exicutions and after some time spent therein Mr. Speaker Resumed the chair and Mr. Messinger reported[*] That the committee have according to order had the said act from the Legislative Council under consideration and have made some progress therein and asked leave to set again

On Motion Resolved that the said committee of the whole House have leave to set again on the said Act

A message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they have passed an act to amend an act entitled an act to regulate the Fees of the several officers and persons therein named which originated in this House, with some amendments, they have also passed an act to amend an act for the Trial of small causes, and then he withdrew—where upon the House proceeded to consider the amendments made by the Legislative Council to the act to amend an act entitled an act to regulate the Fees of the several officers and persons therein named which amendments was agreed to by the House—Ordered that the clerk do inform the Legislative Council thereof

An act from the Legislative Council making compensation to the chancelor of this Territory and for other purposes was read the first time

On the Questian shall the said[*] Act be read a second time —it was caried in the negative

The further orders of the day being postponed untill Tomorrow—the House adjourned untill Tomorrow Morning nine oclock

Tuesday Morning 18th octo 1808

The House met according to adjournment

The House according to the order of the day resolved it self into a Committee of the whole House on the Act from the Legislative Council entitled an act to amend an act entitled an act Concerning Exicutions and after some time spent therein Mr. Speaker resumed the chair and Mr. Biggs Reported that the Committee had according to order had the said act under Consideration and have made no amendments thereto

Ordered that the said Act be ingrossed for a third time now, where upon the said Act being read a third time

On motion Resolved that the said Act do pass and that the title be as aforesaid

Ordered that the clerk do inform the Legislative Council thereof[*] Mr. Johnston from the select committee to whome were refered the Petition of Isaac Montgomery and Robert Anderson made the following report

That the said committee have carefully examined the grievance of the Petitioners and the Prayer of the Petition, and are of opinion that the same ought to be rejected for the following reasons

1st were those Two Petitioners allowed a Compensation as viewers of the Road other applications would be made for similar allowances

2nd and as a Legislature should act from principal and not party or private motives after applications would no doubt be made and should meet with success, and to what extent would not such allowances go, and involve the Territory or county in debt and then the House adjourned untill Tomorrow morning nine oclock

Wednesday Morning 19th October 1808

The House met according to adjournment

Mr. Speaker being absent Mr. Decker took the chair as Speaker Pro Tem

Mr. Johnston from the Committee of inrolled Bills Reported that the said committee had Truly compared and examined the engrossed with the enrolled Bill entitled an act[*] to amend an act entitled an act regulating the the Fees of the several officers and Persons therein named, where upon Mr. Speaker Protem signed the said enrolled Bill

Ordered that the clerk do informe the Legislative Council thereof

Mr. Johnston from the committee to whome were refered the several Petitions praying for a Division of Dearborne County made the following Report

That by the several Petitions the signers to which, amount to Three Hundred and sixty six, the division or boundary line prayed for to form the said new county is seventh and Eighth Township; and that by the other Petition, to which there is Two Hundred and five signers, the boundary line is prayed to be made between the Eighth and ninth Township,—your committee are of opinion that as there appears contrary Interests and wishes existing in that part of the present county of Dearborne which would form the said new county, it would [be] impropper, in the Legis-

lature to give the prefferance to either untill more and satisfactory information may come before the House upon the subject

Your committee would advise that the Petitioners or some of them do advertise[*] in some publick newspaper printed nearest the country of which the new county is wished to be formed, that their application for such formation will be renewed to the Legislature at their ensuing session which would afford a fair opportunity to all parties—[49]

On Motion Resolved that leave be given to bring in a Bill to alter the terms of the sitting of the court of chancery and that Messrs. Johnston and Messinger be a committee to prepare and bring in the same, where upon Mr Johnston Reported a Bill to alter the terms of the court of chancery the said Bill being read the first time Ordered to be read a second time now

On Motion Resolved that the said Bill be engrossd for a third reading now whereupon the said engrossed Bill was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk do carry the said Act to the Legislative Council and desire their concurance thereto

Mr. Johnston from the committee to whome were refered at different times during the Present session the several Petitions for and against the admission of slavery into this Territory made the[*] following Report[50]

[49] In his letter to his constituents (*Western Sun,* November 12, 1808), Johnston said in regard to this matter that the petitions were rejected "from a belief that that part of the county was but thinly populated, and the formation of such new county would be *useless expensive* and *troublesome*—other petitions were likewise presented for the formation of a new county out of the county of Dearborn, those were also rejected from a contrariety of interests appearing from the petitions." The present Franklin and Wayne counties were formed in part out of this area in 1810.

[50] Johnston described this report as "the very elaborate and geographical, political, moral and concise report of a respectable committee appointed by the house on petitions which had been presented from all parts of the Territory, in which there appeared a majority of 600 odd persons," that is a majority of over six hundred against the admission of slavery. Vincennes *Western Sun,* November 12, 1808. For a dis-

That after a strugle of seven years the Inhabitants of this portion of the Brittish Empire in America found themselves in possession of Indipendance as a Nation and in this Institutions they adopted they secured the enjoyment of a degree of Personal Liberty utterly unknown to any other Government, but an unfortunate circomstance darkened the cheering prospect, in every state, but especially in the southern section of the Union, an oppressed race of man supplied by a most inhumane Trade portended the most serious evils to the american Nation sensible that slavery in a country where Liberty was deservedly, so dear and had been purchased at so high a price, presented a feature of deformity not to be Justifyed every state hastened to put an end to the horrid Traffick, those states which could do it without dnger abolished slavery altogather and those which from the great number of their Negroes could not with a due regard to their safty follow at once the dictates of Justice and humanity, enacted Laws for the Protection of that[*] unfortunate class of men, and there gradual emansepation, when the northwestern Territory was ceded by Virginia to the United States Congress obeying the impuls of Justice and benevolence indevered to prevent the propegation of an evil which they could not Totally eradicate by enacting in the ordinance which forms our Constitution, that there shall be neither slavery nor involuntary servitude in the Territory, otherwise than &c

The Law of the Territory entitled an act concerning the Introduction of Negroes and Mulattoes in to the Territory, makes it Lawfull for an holder of slaves to bring them in to the Territory, and to keep them therein during sixty days during which Period the Negroe is offered the alternative of eith[er] signing an indenture by which he binds him self for a number of years, or of being sent to a slave state or Territory there to be sold. the natural inferance from this statement forces itself upon the mind that the slave thus circomstanced is held in involuntary servitude

cussion of this report, see Dunn, *Indiana,* 370-76. The report is generally conceded to have been the work of Johnston, and said Dunn (1905), "is entitled to rank among the ablest, if not as the ablest, of state papers ever produced in Indiana."

and that the Law permitting such proceedings is contrary both to the spirit and Letter of[*] the ordinance and that there fore that it is unconstitutional—your committee might add that the most flagitious abuse is made of that Law, that Negroes brought here are commonly forced to bind themselves for a number of years, reaching or exceeding the natural Term of their lives, so that the condition of those unfortunate persons is not only involuntary servitude but downright slavery—it is perhaps unnecessary to advert to the novel circomstance of a Person under extreme duress of a slave becomeing a party to a contract parting with himself and receiveing nothing

That slavery though in it self unjust might never the less be tolerated from reasons of expediency is a point which your committee do not feal themselves at Liberty to concede they are firmly fixed in the persuation that what is morrally wrong can never by expediency be made right. Such a plyable doctrine if generally admitted would soon line our high wais with banditee our streets with footpads and fill our exhange alleys with swindlers. but Policy it self forbids the measure, with respect to Population, the great and more compact population of the middle and eastern states compared to that of the[*] southern states Justifies the expectation emigrations will procede more from the first than the last This observation will be rendered conclusive by this fact, that the state of Virginia older and learger than Pencylvania contains a body of Militia of sixty odd Thousand men, when Pencylvania actually musters ninety odd Thousand men

2 With respect to the spirit of enterprise and internal Improvements—your committee cannot trespass upon the time of the House by entering minutely in to the elucedation of this important subject, on which very erronious opinions have been entertained they will only observe that a general view of the different states of the Union and of their Respective means of Prosperity and importance will soon convince the impartial enquirer that the hand of freedom can best lay the foundation and rapidly raise the fabric of Publick prosperity: the old states north of Maryland with out one single precious commodity exporting nothing but Bulky articles present every where the spectacle of industry and

imitation, the stile of their agraculture is superior their Mills Bridges Roads Canals, their manufactures are in point of number without a paralel, in the[*] southern states, and they besides other parts of the world export to those states manufactured comodities to a large amount annually: on the subject of Publick Improvements we will beg leave to refer the House to a document laid before Congress on the subject of Roads and Canals; the state of Ohio furnishes us with a case in point which aptly illustrates the Two foregoing observations in the short space of a few years our eyes witness groing into importance where but a little while before Indian hords and savage Beasts roamed without Controal farms Villages: Towns multiplying with a rapidity unpresidented in the history of new settlements; the same cause will ever produce the same effects; the exertions of the free man who labours for himself and family must be more effectual than the faint efforts of a weak and dispirited slave whose condition is never to be bettered by his incessant toils: the Industrious will flock where industry is honorable and honored, and the man of an independent spirit where equity reigns and where no proud nabob can cast on him a look of contempt

3rd With respect to the influance which the practice of slavery may have upon morals and manners, when men are invested with an uncontrouled power over a[*] number of friendless human beings them [held] to incessant labour: where they can daly see the whip hurrying promiscously the young, the aged, the infirm the Pregnant woman and the mother with her sucking Infant to their daly toil, when they can see them unmoved shivering with cold and pinched with hunger, when they can barter a human being with the same unfealing indefferance that they barter a Horse, part the wife from her Husband and unmindful of their mutual cries tear the child from its mother when they can in the unbridled gust of stormy passions inflict cruel Punishment which no law can avert or mitigate: when such things can take place, can it be expected that the milk of human kindness will ever moisten, in their intercourse with one another the eyes of man in the daly practice of such enormities, and will respect the morral obligations, the laws of Justice which they are constantly outraging with the

wretched Negroe, their Passions never controuled will break out in frequent [quarrels] which will be decided with savage cruelty and their manners will receive a tinge of repelling fierceness, which will be too often disernable, where a propper education has not softened and expanded the heart and corrected the understanding, at the very moment that the Progress of reason and general benevolence is consigning slavery to its merited distination, that England, sordid[*] England! is blushing at the Practice, that all good men of the southern states repeat in one common responce, these emphatical words of a real Friend of America, *I tremble for my Country when I reflect that god is Just,* must the Territory of Indiana take a retrograde step into barbarisim and assimilate itself with Algiers and Morocco—

4th With respect to its political effects—it may be worthy of enquiry how long the Political Institutions of a People admitting slavery may be expected to remain uninjured, how propper a school for the aquirement of Republican Virtues, is a state of things wherein usurpation is sanctioned by law, wherein the commands of Justice are trampled under feet wherein those claiming the right of free men are themselves the most execrable of Tyrants, and where is consecrated the dangerous maxim "that power is right—your committe will here only observe that the habit of unlimited domination in the slave holder will beget in him a spirit of haughtyness and pride productive of a proportionable habit of servility and dispondence in those who possess no negroes both equilly inimical to our institutions, the Lord of three or four hundred negroes will not easily forgive and the mechanic and labouring man will seldom venture a vote contrary to the will of such an influential being—This Questian your committee have[*] hitherto only considered in relation to the internal prosperity and happyness of the Territory, they cannot yet dismiss the subject without offering to this House Two observations tending to prove that in relation to the United States the admission of slavery into this Territory is a measure which neither Justice nor policy can Justify—The Negro holder can emigrate with their slaves into the extensive Mississippi Territory and the Territory of New Orleans and the more extensive Louisiana, by

opening to them the Territory of Indiana a kind of monopoly of the United States land is granted to them, and the middle and Eastern States as well as enemies of slavery from the south are effectually precluded from forming settlements in any of the Territorys of the United States—your committee respectfully conceive that the national Legislature cannot with Justice make such an unequil distribution (if they may be allowed the expression) of the Laws [lands] with the disposial of which they are, entrusted for the benifit of all, but especially of those states whose overflowing population renders emigration necessary.

If we take a general survey of the geographical extent of the United States, we'll see with concern the system of slavery extending from the line of Pencylvania and Ohio River [to the] Floridas and from the Atlantic to the[*] Mississippi: by the Purchase of Louisiana where it was found existing it may spread to our indifinite extent north and west so that it may be said to have received a most alarming extention, and is calculated to excite the most serious fears:—By admitting it in Indiana that is to say, opening to it the vast Tract of country lying between the states of Ohio, the River of that name, the Lakes, & the Mississippi; the comparative importance of the middle and Eastern states, the real strength of the Union, is greatly reduced and the dangers threatening the internal tranquillity of the United States proportionably encreased

From the above reasons, and many others which might be adduced, your committee are of opinion that slavery cannot and ought not to be admitted into this Territory: that it is inexpedient to Petition Congress for a modification of that part of the ordinance Relative to slavery: and that the act of the Legislature of Indiana for the Introduction of Negroes and Mulattoes into the said Territory ought to be repealed for which purpose they have herewith reported a Bill

Your committee are further of opinion that a copy of this report and a copy of one of the Petitions upon which the same is predicated be immediately made out signed by the speaker of this House and attested by the clerk, and[*] forwarded by the ensuing mail to the speaker of the House of Representatives of the

United States with a request that he will lay the same before Congress[51]

GENL W JOHNSTON
Chairman of Committee

INDIANA TERRITORY
VINCENNES 19th Octo. 1808

On Motion Resolved that the House do concur in the Report of the committee

The Bill entitled an act to repeal an act entitled an act concerning the Introduction of Negroes and Mulattoes in to this Territory being read the first time

On Motion Resolved that the said Bill be read a second time now, Resolved that the said Bill be engrossed for a third reading immediately the same being read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk do carry the said Act to the Legislative Council and desire their concurance thereto—[52]

and then the House adjourned untill three oclock this evening

The House met according to adjournmt.

On Motion Resolved that leave be given to bring[*] in a Bill to amend an act entitled an act autherising the granting of Letters testamentary and letters of Administration for the settlement of intestates estates and for other Purposes, and that Messrs. Biggs and Jones be a committee to prepare and bring in the same, whereupon Mr. Biggs reported the said Bill the same being read —Resolved that the said Bill be read a second time now

On Motion Resolved that the said Bill be committed to a committee of the whole House and made the order of the day for Tomorrow

51 The report together with the one petition were sent by Johnston to the Speaker on October 24, 1808. The report was printed in the *Western Sun,* December 17, 1808; the petition appears in Carter (ed.), *Territorial Papers,* 7:603-5.

52 The spell cast upon the House by Johnston's able report and his presentation of it was broken by the time the bill came up in the Council five days later. There it failed to pass first reading.

Mr. Jones introduced the following Resolution—Resolved the Legislative Council concuring therein that our Delegate to Con[gress] be instructed to use his endeavours to have a Law passed allowing further time to the citizens of Knox County in this Territory to claim and locate land in the said county and that the clerk of this House do inform the Legislative Council thereof[53]

On Motion Resolved that this House consider the excuse of James Beggs for non attenance during the first part of the Present session as sufficient and that his fine be and is[*] hereby remitted —and then The House adjourned untill nine oclock Tomorrow Morning

Thirsday Morning 20th Octo. 1808

The House met according to adjournment

Mr. Johnston laid before the House The Petition of Ephraim Jordan and others praying for an alteration in the Militia law

On Motion Resolved that the said Petition do lie on the Table

A Message in wrighting from his Excy the Governor by General Gibson his secratary—Mr. Speaker I am dericted by the

[53] A memorial drawn up on November 8, 1808, and signed by a number of inhabitants of Knox County, mostly French, was read in the U.S. House on December 28, 1809, praying for an extension of time to allow certain persons to claim and locate land under the act approved March 3, 1807, stating "that in consequence of the infant state of some, the ignorance and temporary absence of many and of the impractability of procuring Evidence within the Time prescribed by law for the exhibition of claims Your Memorialists have not been able to avail themselves of the opportunity provided by the Government to establish their respective claims and Titles for land to which by the existing laws of the United States they are Justly entitled." Carter (ed.), *Territorial Papers,* 7:612-14.

On April 30, 1810, an act providing for the sale of certain lands in Indiana Territory, included a provision "that any person or persons entitled to donation lands, in the district of Vincennes by any former resolution or act of Congress, and who were minors, or did not reside within the Indiana territory during the time allowed by law for registering claims . . . and whose claims have not heretofore been presented . . . may, until the first day of November next, give notice in writing, to the register of the land-office of the said district of their claims. . . . " U.S. *Statutes at Large,* 2:590-91. See Lux, *The Vincennes Donation Lands,* for a discussion of land claims in Knox County.

Governor to deliver this House a written communication and then he withdrew, the said communication being [rea]d was as follows

GENTLEMEN OF THE LEGISLATIVE COUNCEL AND HOUSE OF REPRESENTATIVES

at the opening of the Present session I recommended to the Two Houses to take the Militia law into their serious consideration for the purpose of amending such parts of it as were susceptible of improvement,[54] I now reiterate my request on that subject, from the critical examination which I have lately given the Law, it appears to be more defective than I had at first supposed. It appears that the commander in chief[*] is only autherised by that Law to call the Militia into actual service when there is an actual or threattened invasion, there are a Thousand exegencies which may require a part of the Militia to be called out, other than that of an Invasion, and in every state of the Union the executive is invested with this power, It may indeed be supposed that the right is inherent in the commission of commander in chief, however this may be, it is evident that without the aid of the Laws, he cannot enforce his orders nor compell the obedience of the privates. But the most serious difficulty arises from the want of a provision by Law for the pay and subsistance of

54 According to a letter in the Vincennes *Western Sun,* September 2, 1809, signed by "Jeremiah Jingle," General W. Johnston and Shadrach Bond, Jr., requested Harrison to draft a militia law to be presented to the Assembly. Said the article, "Our militia law is principally copied from that of New Jersey, the latter gives to the governor the power of calling out the militia 'upon any invasion, or threatened invasion, or other emergency,' in copying the laws either from accident or design in the first legislature of the N. W. territory the words 'other emergency,' are left out. . . . " It was this omission that Harrison wished to rectify. The bill, presumably drafted by him, was introduced into the Council and passed that body, but it failed on third reading in the House. *Post,* 261, 285, 290, 292, 296.

Elias McNamee, Harrison's bitter enemy, stated that "this bill contemplated the encrease of military powers; by it the militia were to be called out at the governors pleasure, & the expence to be paid by the Territory, new officers were to be created with salaries anexed to them,— The members of the house perhaps felt indignation at this infringement of their rights & treated the bill with neglect." McNamee to the President of the Senate, December 12, 1809, in Carter (ed.), *Territorial Papers,* 7:685.

those who are called into service, Men may serve for a short time without pay but it is impossible that they can do duty without Provisions, I must therefore recommend to the Two Houses to take the subject into their consideration and adopt such measures in the premises as may appear to them proper and Just,[55] and I also recommend to them the claim of the companies of Militia of this county which I have lately ordered out for the protection of the Jail, the Justice of allowing them subsistence or an equivolent for it must be sufficiently manefest[56]

WILLIAM HENRY HARRISON[*]

INDIANA TERRITORY 20th Octo 1808

Mr. Johnston from the committee of enrolled Bills Reported that the said committee had waited on the Governor, and gave to him for his approbation an act which originated in this House entitled an act to amend an act entitled an act regulating the Fees of the several officers and persons therein named

A Message from His Excy. the governer in wrighting by General Gibson his Secratary Mr. Speaker I am directed by the governor to deliver this House a written communication which being read was as follows

GENTLEMEN OF THE LEGESLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

Since my report made to the last session of the expenditure ordered by me out of the contingent fund, I have drawn for the following sums viz[57]

[55] Throughout the spring, summer, and fall of 1807, ranger service by companies of Indiana militia was maintained on the traces in southern Indiana as precaution against Indian treacheries. Apparently the men performed their services as part of their militia duty and received no compensation. The best account of this activity is given in William M. Cockrum, *Pioneer History of Indiana* . . . (Oakland City, 1907), 202 ff.

[56] Abraham Hiley, convicted of murdering John Coffman on October 13, 1808, was confined in the Knox County jail until October 29, the date set for his execution. Perhaps the militia were guarding him. See *post*, 242, note 60.

[57] See Territorial Treasurer's Account Book in which payment of these items is recorded, *post*, Appendix I.

In favour of John Johnston[58] Esqr. for [pro]secuting Abigel Rough for murder	$40.00
To Elihue Stout for Printing Proclamation &c	6.00
To Genl W Johnston[59] for Postage of letters &c from the secrataries & auditors offices	5.93
To Benjamin Coffman for going to Kentucky as the agent of this Territory to receive Walker Fisher & Barger fugitives from Justice & for his Trouble & Expencis indeavouring to apprehend them[60]	35.00
	$86.93

WILLIAM HENRY HARRISON[*]

On Motion Resolved that the said communication be refered to the committee of wais and means, and then the House adjourned untill three oclock this Evening

The House met according to adjournment

The House according to the order of the day resolved it self into a committee of the whole House, on the Bill entitled an act to amend an act entitled an act autherising the granting of Letters Testamentary and letters of Administration for the settlement of intestates Estates and for other purposes and after some time spent there in Mr. Speaker resumed the chair and Mr. Messinger reported that the committee had according to order had the said Bill under consideration and have made several amendments thereto which he delivered in at the clerks Table the same being severally Twice read was agreed to by the House

58 On May 21, 1808, Harrison appointed John Johnson attorney general to prosecute Abigail Rough, charged with murdering her infant child. Territorial *Executive Journal,* 146.

59 General W. Johnston was postmaster at Vincennes at this time.

60 According to the Territorial *Executive Journal,* p. 148, Harrison, on July 6, 1808, appointed Jacob Coffman agent to receive from the Governor of Kentucky, William Walker, John Fisher, and Adam Berger [*sic*], citizens of Kentucky, charged with the murder of John Coffman, a citizen of Knox County. However, on October 15, Abraham Hiley was found guilty of the murder by a special court of oyer and terminer and jail delivery. On the 29th, while under the gallows, he received a reprieve and three days later a pardon from the Governor. Vincennes *Western Sun,* October 22 and November 5, 1808; Territorial *Executive Journal,* 149, 150.

Ordered that the said Bill be engrossed for a third Reading Tomorrow

The further orders of the day be postponed untill Tomorrow the House adjourned untill Tomorrow morning nine oclock

Friday morning 21st October 1808

The House met according to adjournment

An Engrossd Bill entitled an act to amend an act entitled an act autherising the granting of Letters Testamentary and letters[*] of Administration for the settlement of intestates Estates and for other purposes, was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk of this House do carry the said act to the Legislative Council and desire their concurance thereto

A Message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to inform this House that they have concured in the following Acts Viz an act supplimental to an act entitled an act to autherise the proprietors of land in the lower Prairie in the county of Knox to enclose the same, and for other Purposes—An act for the relief of Nicholas Jarrott—an act to amend an act entitled an act concerning servants and for other purposes—and an act allowing compensation to the members of the Legislative Council and House of Representatives, and to the officers of both Houses for the Present session, to which Two last named act they have made some amendments and desire the concurance of this House—they have likewise passed an act establishing District Courts and a Court of Errors and appeals, and then he withdrew—[*] The House then proceeded to consider the amendment made by the Legislative Council to the act to amend an act entitled an act concerning servants and for other purposes—on the Questian being taken do the House concur in the amendments made by the Legislative Council to the said act it was caried in the negative

Ordered that the clerk of this House do inform the Legislative Council thereof

The House then proceded to consider the amendments made by the Legislative Council to the act allowing compensation to the members of the Legislative Council and House of Representatives, and to the officers of both Houses during the Present session, on the Questian being taken do the House concur in the amendments made by the Legislative Council to the said act it was caried in the negative

Ordered that the clerk do inform the Legislative Council thereof

The act from the Legislative Council establishing District Courts and Courts of Errors and appeals, was read the first time and

On Motion Ordered that the said act be read a second time now—Ordered that the said Act be committed to a committee of the[*] whole House and made the order of the day for this day where upon—the House according to the order of the day resolved it self in to a committee of the whole House on the Act from the Legislative Council entitled an act establishing District Courts and Courts of Errors and appeals, and after some time spent therein Mr. Speaker resumed the chair and Mr Messinger reported that the committee had according to order had the said Act under consideration and have made several amendments thereto which he delivered in at the clerks Table, the same being severally Twice read and further amended was agreed to by the House

A Message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to inform this House that they do concur in the act which originated in this House entitled an act to amend and act autherising the granting of letters Testamentary and letters of Administration for the settlement of intestates Estates and for other purposes, to which they have made some amendments and desire the concurance of this House and then he withdrew

On Motion Resolved that the said Act be engrossed for a third Reading now, which said Engrossed Bill being read a third time

On Motion Resolved that the said Bill do pass[*]and that the title be as aforesaid[61]

Ordered that the clerk do inform the Legislative Council thereof

The House then proceded to consider the amendments made by the Legislative Council to an act entitled "an act to amend an act authorising the granting of letters testamentary and letters of Administration for the settlement of intestates' estates and for other purposes" The said amendments being read, was agreed to by the House

Mr. Beggs introduced the following resolution Resolved that it is expedient to provide by law for the taking a new enumeration of the free male inhabitants in the Territory, prior to the next election of Representatives in order that a more full and equal apportionment of the representation should be made agreeably to the provisions of the ordinance and that a Committee of two be appointed to draft and report a Bill for that purpose[62]

A message from the Legislative Council by Mr. Hurst their Clerk, Mr. Speaker I am directed by the Legislative Council to inform this House that they have concurred in the amendments made by this House to the act concerning District Courts and a Court of Errors and Appeals and then he withdrew.

And then the House adjourned till three o'clock this evening—

The House met according to adjournment

Mr. Johnston from the Committee of enrolled Bills reported that the said Committee had examined and compared the engrossed with the enrolled Bill entitled "an act for the relief of Nicholas Jarrot, also an act entitled "an act supplemental to an act entitled an act regulating the practice in the General Court and Courts of Common[*] Pleas and for other purposes" which said Bills they found to be duly enrolled, whereupon Mr. Speaker signed the said enrolled Bills.

[61] This action was probably on the bill establishing district courts and courts of errors and appeals which had just passed second reading. The Council agreed to the House amendments, but the act was vetoed by the Governor. See Council Journal, *post,* 297, 300-1.

[62] See resolution introduced by Jones, *ante,* 193, and *post,* 262-63.

A Message from the Legislative Council by Mr. Hurst their Clerk, Mr. Speaker I am directed by the Legislative Council to inform this House that they have concurred in the act which originated in this House, entitled "an act for the relief of the printers of the Revised Code and for other purposes" to which they have made an amendment and desire the concurrence of this house, and then he withdrew—

Mr. Johnston from the Committee of enrolled Bills reported that the said Committee had according to order waited on the Govenor and gave to him for his approbation an act which originated in the Legislative Council "entitled" an act supplemental to an act entitled an act regulating the practice in the General Court and Courts of Common Pleas and for other purposes, also the Act which originated in this House entitled "an act for the relief of Nicholas Jarrot."

Mr. Jones introduced the following Resolution, viz, Resolved that the Resolution entered into by this House on the tenth day of the present session, declaring Samuel Gwathmey Esquire to have vacated his seat in the Legislative Council, pursuant to a law of this Territory, was not intended to cast any censure on the conduct of the said Samuel Gwathmey.

Mr. Johnston laid before the House the Petition of John F. Thompson and others, praying for an alteration in the constables Fees

Ordered that the said Petition be refered to a select committee of Messrs Johnston and Messinger and that they Report thereon by bill or otherwise[63]

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to inform this House[*] That they have come to the following Resolutions

Resolved by the Legislative Council the House of Representatives concuring therein, that the Legislative Council will meet the House of Representatives in the Representative Chamber, on Tomorrow being Satureday the Twenty-Second Instant at Eleven

63 See report of this committee, *post,* 257n.

OClock A.M. in order to Elect by a Joint Ballot of both Houses a Delegate to represent this Territory in Congress

Resolved by the Legislative Council the House of Representatives concuring therein, that the following Rules shall be observed by the Two Houses in the said Election

1st The Ballots shall be taken by the clerk of the House of Representatives, and pronounced by the Speaker thereof in presence of the members

2nd A majority of the whole number of Members present shall be requisite to make an Election—and should no candidate have such majority on the first Ballot the members shall procede to a second to a second and third Ballot, and so on untill one of the candidates shall have such majority

3rd Resolved that the candiate who shall have the least number of Votes shall resign his pretentions to the other candidates and in like manner the lowest shall continue to be cast out till one of the candidates is Elected

Ordered that the secratary do carry[*] the above Resolutions to the House of Representatives and desire their concurance thereto

On Motion Resolved that the said Resolutions do lie on the Table

The further orders of the day being postponed untill Tomorrow the House adjourned untill Tomorrow morning nine oclock

Satureday 22nd October 1808

The House met according to adjournment

On Motion Resolved that the House do now consider the Resolutions from the Legislative Council last evening respicting the Election of a Delegate to Congres,—which said Resolutions was agreed to by the House

Ordered that the clerk do inform the Legislative Council thereof

Mr. Johnston from the committee of Enrlled Bills reported that the said committee had compared and examined the Engrossed with the following enrolled Bills and find the same to be truly enrolled 1st an act supplemental to an act entitled an act

to autherise the proprietors of land in the lower Prairie in the county of Knox to enclose the same and for other purposes 2nd an act entitled an act for the relief of the printers of the revised code and for other purposes and 3d an act Entitled an act to amend an act entitled an act autherising the granting of Letters[*] Testamentary and letters of administration for the settlement of Intestates Estates and for other purposes, where upon Mr. Speaker signed the said Enrolled Bills—Ordered that the clerk do inform the Legislative Council thereof

On Motion Resolved that this House are now ready to receive the Legislative Council in the Representative Chamber, in order to proceed by a Joint Ballot of both Houses to the Election of a Delegate to Represent this Territory in Congress, agreeable to the Joint Resolutions of both Houses entered into yesterday—Ordered that the clerk of this House do inform the Legislative Council thereof

A message from the governor by General Gibson his Secratary —Mr. Speaker I am directed by the governor to inform this House that he did on this day sign and approve the Following acts which have passed both branches of the Legislature 1st an Act entitled an act to amend an act entitled an act to regulate the Fees of the several officers officers and persons therein named 2nd an act entitled an act for the relief of Nicholas Jarrot, and then he withdrew

The members of the Legislative Council having met in the Representative Chamber in[*] order to proceed to the Election of a Delegate to Represent this Territory in Congress, and on counting the Ballots there appeared for Jesse B. Thomas six votes which being a majority of the whole number he was declared to be duly elected where upon Mr. Speaker resigned both his seat as a member of this House, as well as Speaker thereof[64]

[64] The vote for the Congressional delegate was: Jesse B. Thomas, 6; Michael Jones, 3; Shadrach Bond, Jr., 1. Vincennes *Western Sun,* October 29, 1808. The *Sun* stated that Mr. Bond was not a candidate. Michael Jones was a candidate of the Harrison faction, and probably received the votes of Fisher, Bond, and Decker. Johnston probably voted for Bond, and the remaining votes went to Thomas. His election came from the fact that while he opposed the admission of slavery, he favored a division of the Territory. This gave him the vote of James Beggs, of

The House then proceeded to Elect a Speaker and on counting the Ballots Genl W. Johnston was declared duly Elected

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to

Clark County, whose constituents favored division since it would lead to the removal of the capital from Vincennes to the eastward and were opposed to slavery. Thomas' support of division brought him the remaining anti-Harrison Illinois votes.

Harrison little suspected the strength of his opposition when he summoned the General Assembly. His candidate was Thomas Randolph, who had recently moved to the Territory from Virginia. Harrison had appointed him territorial attorney general to succeed Benjamin Parke, and hoped that he would follow Parke as territorial delegate. See his optimistic letter to President Jefferson, July 16, 1808, in Esarey (ed.), *Messages and Letters,* 1:297. However, Randolph's name does not seem to have been considered by the Assembly.

For a discussion of the factions and factors entering into the election, see Dunn, *Indiana,* 367-77. Candidates from the Assembly were John Rice Jones, favored in Illinois but opposed by the antislavery forces, Thomas, and General Washington Johnston. Johnston lost the support of the Illinois members by opposing division (*ante,* 216), and of the pro-slavery element by his report on the slavery petitions (*ante,* 232-38), and thus eliminated himself as a candidate. See his own statement in the *Western Sun,* March 4, 1809. Nevertheless he was bitter at the results of the election, declaring that Thomas had made promises to all sides. Commenting on the vote, he said, "I must be excused in not giving you the character of any of the candidates (as I was for some time during the session one, and therefore in my delineation, might be said to be partial) or of the delegates; but most sincerely wish it was in my power to cast an impenetrable veil over the transactions of the twenty second of October!!!" Letter to his constituents, *Western Sun,* November 12, 1808.

For other accusations of duplicity against Thomas, see letter of James Dill "to the Electors and People of the county of Dearborn," in *Western Sun,* March 13, 1809, in which Dill states that Thomas assured both himself and Samuel C. Vance that he opposed division. See also the memorial from citizens of Harrison County to Congress (referred in the U.S. House on February 3, 1809), praying the popular election of the delegate and members of the Council, with remarks on the "intrigue" surrounding Thomas' election. Carter (ed.), *Territorial Papers,* 7:633.

Thomas' service in Congress was brief, lasting only from December 1, 1808, to March 3, 1809, but he fulfilled his obligations to his prodivisionist supporters by securing the passage of the act dividing the Territory, which was approved February 3, 1809. He left Indiana upon his appointment as a judge of the General Court of Illinois Territory in March. U. S. Senate *Executive Journal,* 2:119, 120.

inform this House that they insist on the amendments made by the Legislative Council to the Two following Acts 1st. an act entitled an act to amend an act entitled an act concerning servants and for other purposes, 2d also an act allowing compensation to the members of the Legislative Council and House of Representatives and to the officers of both Houses for the present session, and request a committee of conferance thereon where upon Resolved that Mr. Rice Jones be that committee—ordered that the clerk do inform the Legislative Council thereof

Mr. Johnston from the committee of enrolled Bills Reported that the said committee had waited[*] on the governor and gave to him for his approbation the following Acts Viz. An act supplimental to an act entitled an act autherising the Proprietors of land in the lower Prairie in the county of Knox to enclose the same and for other purposes; an act for the relief of the Printers of the Revised code & for other purposes also an act to amend an act entitled an act autherising the granting of Letters Testamentary and letters of administration for the settlement of Intestates Estates and for other Purposes

On Motion Resolved that Mr. Johnston be discharged from the committee of enrolled Bills, and that Mr. Jones be appointed in his place

Ordered that the clerk do inform the Legislative Council thereof

Ordered that an other member be aded to the committee to whome were refered the Petition of the constables of Knox county, and that Mr. Beggs be that additional member

On Motion Resolved that Mr. Johnston be discharged from the committee of wais and means and that Mr. Messinger be appointed in his place

A message from the Legislative Council by Mr. Hurst their clerk— Mr.[*] Speaker I am directed by the Legislative Council to inform this House that they have passed an act entitled an act supplemental to an act entitled an act Regulating the Militia, which being read the first time—Ordered that the said Act be read a second time on Monday next. And then the House adjourned untill Monday morning nine oclock

Monday Morning 24th Octo. 1808

The House met according to adjournment

On Motion Resolved that Mr. Biggs be a committee to inform the Legislative Council that Genl. W. Johnston Esqr. has been appointed Speaker of this House

Mr. Jones from the committee of enrolled Bills Reported that the said committee had compared the engrossed with the following enrolled Bills and find the same Truly enrolled 1st. An act establishing District Courts and a Court of Errors and appeals, also an act to amend an act entitled an act establishing Courts for the Trial of small causes, which said Acts originated in the Legislative Council whereupon Mr. Speaker signed the said enrolled[*] Bills—Ordered that the clerk of this House do inform the Legislative Council thereof

On Motion Resolved that leave be given to bring in a Bill making appropriations for the ensuing year and that Mr. Jones be a committee to prepare the same whereupon Mr. Jones Reported A Bill making appropriations for the ensuing year, which being Read

Ordered that the said Bill be read a second time now

Ordered that the said Bill be committed to a committee of the whole House and made the order of the day for Today

A message from the Legislative Council by Mr. Hurst their clerk. Mr. Speaker I am directed by the Legislative Council to inform this House that they have concured in the report of the committee of conferance on the Two following Bills 1st. an act allowing compensation to the members of the Legislative Council and House of Representatives, and the officers of both Houses during the Present session, also an act to amend an act entitled an act concerning servants and for other purposes

Mr. Jones from the committee of wais and means made the following Report

That they have examined the accounts[*] of the auditor and Territorial Treasurer and the report of the governor stating the sums drawn by his order out of the contingent fund of the last year, and find the same correct except in a few items too trifleing to notice they also beg leave to state that it appears from the

Reports of the auditor and Treasurer that several of the collectors of the land Tax are considerably in arrears they would therefore suggest the Propriety adopting the following Resolution

Resolved by the Legislative Council and House of Representatives that the Propper officers be and are hereby requested to take speedy and effectual measures to compell payment by the collectors of the arrears by thim respectively due

Ordered that the clerk of this House do inform the Legislative Council thereof

Mr. Jones introduced the following Resolution

Resolved by the Legislative Council and House of Representatives that Messrs. John Rice Jones and General W. Johnston be and they are hereby appointed a committee to contract with such Person or Persons, as they may think Propper for Printing either here or in Louisana or Kentucky four Hundred Copies of the laws of the Present session, of the Legislature on the most moderate terms they can, and that they make out copies of the said Laws to be delivered or forwarded to such Printer as may have contracted for[*] the Printing thereof—Resolved also that in making such contract they shall provide that the said laws shall be printed and ready for delivery to the committee on or before the first day of January next, and that they distribute forty five copies of the said Laws to each of the counties in the Territory and deliver the overplus to the office of the Secratary of the Territory[65]

A message from the Legislative Council by Mr. Hurst their clerk, Mr. Speaker I am directed to inform this House that the Legislative Council have made the following resolutions

Where as it is provided by the second section of the fourth article of the constitution of the United States that a Person charged in any state with Treason Felony or any other crime who should flee from Justice, and be found in any other state, should on demand of the executive authority of the state from which he fled be delivered up to be removed to the state having Jurisdiction of the crime

65 On March 30, 1811, Elihu Stout was paid $111.50 for printing the laws passed at this session. *Post,* 926.

and whereas the act of Congress of the Twelfth February 1793 provides that fugitives from Justice should be delivered up on the demand of any state in the Union, or either of the Territories N W or South of the River Ohio, in the maner therein directed

and whereas it has been certified[*] to this Legislature by a message from the governor of the Territory that the Judges of the court for the District of Kentucky have lately decided that Congress had not power to extend the Provisions of that Law, the words of the constitution conferring their authority to enact laws on the subject obligatory on the states only

Therefore Resolved by the Legislative Council and House of Representatives that our Delegate to Congress be instructed to apply at the next session of the National Legislature for the adoption of such measures as may be thought necessary for rendering the said act of Congress of the 12th February 1793 constitutional and binding throughout the states and Territories, and that he also use his endeavors to have the benefits of the constitution of the United States extended to all their Territories—and whereas the effects of such a decision may be extreamly prejudicial to the lives and Propperty of the citizens of the Territories and it appearing reasonable that the benifit of the constitution of the United States should be extended to them[66]

[66] On January 19, 1810, Jonathan Jennings, then territorial delegate to Congress, introduced a resolution that a select committee be appointed "to inquire into the expediency of authorizing and directing the Executive of the several States and Territories of the United States, respectively, to deliver, upon demand, any person or persons who shall have been charged with any crime or crimes, and who shall have fled from the Territory of Indiana, in which they shall have been charged, and who shall be found in any of the States, or in any other Territory of the United States, to the Executive of the Indiana Territory, to be removed into the said Territory for trial. . . . " No action was taken on this resolution. *Annals of Congress,* 11 Congress, 2 session, pt. 1:1224-25. On December 20, 1810, Jennings introduced a similar resolution which was referred to a select committee, but no further action was taken. *Ibid.,* 11 Congress, 3 session, 452-53, 460.

GENTLEMEN OF THE LEGISLATIVE COUNCIL

I transmit for the Information of the Two Houses an extract of a Letter from the late Governor of Kentucky, upon a subject highly[*] Interesting to the Citizens of This Territory having read and considered the same I must request the Council to transmit the extract togather with this Message to the House of Representatives

WILLIAM HENRY HARRISON

INDA. TERRITORY 24th Octo. 1808

Extract of a Letter from the late Governor of Kentucky

I also take this opportunity to acquaint you that on meeting with frequent interuptions, while I was in office, in apprehending fugitives from Justice I submitted a late case respecting Coffman to the Federal Judges who returned for answer that the act of Congress is unconstitutional the Powers therein given do not extend to Territorial Governments, Grounding opinion on Judge Marshalls decision in Colo. Burrs case, I have submitted this opinion to Govenor Scot for him to forward to Congress and give you the information for your reflection thereon

A True Extract from the Original

JNO GIBSON Secry

A Message from the Governor by General[*] Gibson his Secratary—Mr. Speaker I am directed by the Governor to inform this House that he did this day sign and approve the following acts which originated in this House 1st. an act to amend an act entitled an act autherising the granting of letters Testamentary and Letters of administration for the Settlement of Intestates Estates and for other purposes—an act supplimental to an act entitled an act to autherise the Proprietors of land in the lower Prairie in the County of Knox to enclose the same and for other purposes also an act for the relief of the Printers of the revised code and for other purposes and then he withdrew

A Message from the Legislative Council by Mr. Hurst their Clerk—Mr. Speaker I am dericted by the Legislative Council to inform this House that they have concured in the act which originated in this House entitled an act in addition to an act en-

titled an act regulating the Practice in the General Court and Courts of Common pleas and for other purposes, also an act entitled an act to alter and amend an act entitled an act Organising Courts of Common Pleas and for other Purposes and then he withdrew

Mr. Jones from the Committee of Conferance made the following Report

The Committee of Conferance appointed on the Part of this House to meet a Committee[*] of the Legislative Council to take into consideration the amendments made by that House to the act allowing compensation to the members and officers of the Two Houses for the Present session, and to the act to amend an act entitled an act concerning servants and for other Purposes—beg leave to report—That they have agreed to amend the third section of the act allowing compensation to the members of the Legislative Council and House of Representatives and to the officers of both Houses for the Present session so as to allow the assistant clerk of this House the sum of Two Dollars and fifty cents per day, and also that they have agreed to the amendments made by the Legislative Council to the act to amend an act concerning servants and for other purposes, the said Report being concured in by the House

Ordered that the clerk do inform the Legislative Council thereof

A message from the legislative Council by Mr. Hurst their clerk, Mr. Speaker I am directed by the Legislative Council to inform this House, that they have concured in the act which originated in this House entitled an act to amend an act entitled an act regulating the Practice of Attorneys and Councellers at Law to[*] which they have made some amendments and desire the concurance of this House

The House then proceded to consider the amendments made by the Legislative Council to the act entitled an act to alter and amend an act entitled an act orginising Courts of Common pleas and for other purposes, whereupon Resolved that the House do concur in the said amendments made by the Legislative Council to the said act

Ordered that the clerk of this House do inform the Legislative Council thereof

The House then proceded to consider the amendments made by the Legislative Council to the act entitled an act in addition to an act entitled an act regulating the practice of the General Court and Courts of Common pleas and for other Purposes (whereupon) Resolved that the House do concur in the amendments made by the Legislative Council to the said Act Ordered that the clerk do inform the Legislative Council thereof

The House then proceded to consider the amendments made by the Legislative Council to an act entitled an act to amend an act entitled an act regulating the admission and Practice of Attorneys and Councellors[*] at Law where upon Resolved that the House do concur in the amendments made by the Legislative Council to the said Act

Ordered that the clerk do inform the Legislative Council thereof

An act from the Legislative Council entitled an act supplimental to an act entitled an act establishing and regulating the Militia the same being read Ordered that the said act be read a second time now

On Motion Resolved that the said act be committed to a committee of the whole House and made the order of the day for Tomorrow

Mr. Jones introduced the following Resolution, Resolved that Messrs. Messinger and Decker be a committee on the part of this House to meet a committee of the Legislative Council in order to wait on his Excellency the Governor and inform him that the Two Houses will have finished their Legislative buisness Tomorrow at Three oclock P.M. at which time they will be ready to adjourn

Orderd that the clerk do inform the Legislative Council thereof[*]

The House according to the order of the day resolved it self into a Committee of the whole House on the Bill making appropriations for the ensuing year, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Messinger Reported

that the Committee had according to order had the said Bill under consideration and have made several amendments thereto which he delivered in at the clerks Table the same being severally Twice read was agreed to by the House

Ordered that the said Bill be engrossed for a third reading this Evening

A Message from the Legislative Council by Mr. Hurst their clerk, Mr. Speaker I am directed by the Legislative Council to inform this House, that they have rejected the act which originated in this House regulating Ferries, they have concured in the act concerning the attorney General and for other purposes to which they have made an amendment and desire the concurance of this House and then he withdrew

A Message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to inform this House that they have rejected the following acts which originated in this House Viz.[*] 1st an act to repeal an act entitled an act concerning the Introduction of Negroes and Mulattoes in to this Territory 2nd an act to alter the Terms of the Court of chancery and 3rd an act concerning the writ Habias Corpus, ad subjiciendum

Mr. Biggs from the committee to whome were refered the Petition of John F. Thompson and other constables of Knox County Reported that they are of opinion that the several Fees allowed to the constables, by law are generally speaking adequate to their trouble and that partial laws would be attended with bad concequences—That therefore the Prayer of the Petition ought to be rejected—On Mo. Report concurred in.

The House then proceeded to consider the amendments made by the Legislative Council to the act concerning the Attorney General and for other purposes whereupon Resolved that the House do concur in the said amendments, Ordered that the clerk do inform the Legislative Council thereof—and then the House adjourned till half past Two oclock this Evening

The House met according to adjournment[*]

An Engrossd Bill making appropriations for the ensuing year was read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk do carry the said act to the Legislative Council and desire their concurance thereto

Mr. Jones from the committee of enrolled Bills reported that the said committee had compared the engrossed with the following enrolled Bills 1st. an act intitled an act to amend an act entitled an act concerning servants and for other purposes also an act entitled an act allowing compensation to the members of the Legislative Council and House of Representatives and to the officers of both houses for the present session and find the same truly enrolled, where upon Mr. Speaker signed the said enrolled Bills

Ordered that the clerk do inform the Legislative Council thereof and then the House adjourned untill tomorrow morning nine oclock

Tuesday morning 25th Octo. 1808

The House met according to adjournment.

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to inform this House[*] that they do concur in the act which originated in this House entitled an act making provision for compinsation to the witnesses who attended the Trial of the impeachment of Robert Morrison and for other purposes.

They have also passed an act providing for leaceing the sections of Land reserved for the use of Schools to which they desire the concurance of this House and then he withdrew

A message from the governor by General Gibson his Secratary, Mr. Speaker I am directed by the governor to inform this House, that he did on this day sign and approve an act which originated in this House entitled an act to amend an act entitled an act concerning servants and for other purposes, and then he with drew

The House then proceded to consider the amendments made by the Legislative Council to the act making provision for compensation to the witnesses who attended the Trial of the Impeachment of Robert Morrison and for other purposes and on the Questian being taken whether[*] the House agree to the said amendments,

it passed in the negative—Ordered that the clerk of this House do inform the Legislative Council thereof

A message from the Legislative Council by Mr. Hurst their clerk. Mr. Speaker I am directed by the Legislative Council to inform this House, that they have passed an act to amend an act entitled an act respecting crimes and punishments to which they desire the concurance of this House and then he withdrew

Mr. Jones from the committee of enrolled Bills reported that they have compared the engrossed with the following enrolled Bills 1st. an act concerning the Attorney General and for other purposes, 2nd. an act to alter and amend an act entitled an act organising Courts of Common pleas and for other purposes 3rd an act in addition to an act entitled an act regulating the Practice of the General Court and Courts of Common pleas and for other purposes 4th and an act regulating the admission and Practice of Attorneys and Councellers at Law[67] which said acts originated in this House and find the same Truly enrolled whereupon Mr. Speaker signed the said enrolled Bills[*]

Ordered that the clerk do inform the Legislative Council thereof

On Motion of Mr. Jones the House came to the following Resolution

Resolved by the Legislative Council and House of Representatives that our Delegate to Congress be and he is hereby instructed to use his endeavours to procure an act of Congress Granting a Colledge Township to the District of Jeffersonville including the counties of Clark and Dearborne

An act from the Legislative Council respecting crimes and Punishments was read the first time—Ordered that the said act be read a second time now

On Motion Resolved that the said act be committed to a committee of the whole House and made the order of the day for Today—

An act from the Legislative Council entitled an act providing for leasing the sections of land reserved for the use of schools was

[67] This bill was vetoed by the Governor. See Council Journal, *post*, 313.

read the first time. Ordered that the said act be read a second time now

On Motion Resolved that the said act be[*] committed to a committee of the whole House and made the order of the day for Today

The House according to the order of the day resolved itself into a committee of the whole House on the act from the Legislative Council entitled an act to amend an act respecting crimes and punishments, and after some time spent there in Mr. Speaker resumed the chair and Mr. Beggs reported that the committee had according to order had the said act under consideration and have made several amendments thereto which he delivered in at the clerks Table the same being severally Twice read was agreed to by the House

Ordered that the said act be ingrossed for a third reading immediately, the same being read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk of this House do inform the Legislative Council thereof

The House according to the order of the day resolved itself into a committee of the whole House on the act from the Legislative Council entitled an act providing for leasing the sections of land reserved for the use of schools and after some time spent therein Mr. Speaker resumed the chair, and Mr. Jones[*] [reported] that the committee had according to order had the said act under consideration and have made some amendments thereto which he Delivered in at the clerks Table the same being severally Twice read was agreed to by the House

On Motion Resolved that the said Bill be engrossed for a third reading immediately which being done and read a third time

On Motion Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk do inform the Legislative Council thereof

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed to inform this House that they

do concur in the amendments made by this House to the act entitled an act respecting crimes and punishments, and then he withdrew—

The House according to the order of the day resolved itself into a committee of the whole House on the act from the Legislative Council entitled an act supplimental to an act entitled an act establishing and regulating the militia and after some time spent there in Mr. Speaker resumed the chair and Mr. Messinger reported that the[*] committee had according to order had the said act under consideration and have made several amendments thereto which he delivered in at the clerks Table the same being severally Twice read and on the Questian shall the House concur in the report of the Committee of the whole on the said Bill it was caried in the negative

A message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they do concur in the amendments made by this House to the act entitled an act providing for leaseing the sections of land reserved for the use of schools, and then he withdrew

A message from the governor by General Gibson his Secratary Mr. Speaker I am directed by the Governor to deliver this House a written communication, and then he withdrew which being read was as follows

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I cannot give my consent to the Bill which originated in your House entitled "an act concerning the Attorney General and for other purposes" Because it violates the ordinance which declares that the appointment of all officers is vested in the governor of the Territory were it indeed otherwise I should consider it highly impropper that the officer who prosecutes the pleas of the United States should derive his[*] appointment from any other source than the United States, or their servant and agent the Governor for the time being,

WILLIAM HENRY HARRISON

INDA. TERRITORY 25th Octo. 1808

A message from the Legislative Council by Mr. Hurst their clerk, Mr. Speaker I am directed by the Legislative Council to inform this House that they have concured in the act which originated in this House entitled an act to alter and repeal certain parts of an act entitled a Law to regulate County Levies, to which they have made some amendments and desire the concurance of this House and then he withdrew

On Motion Resolved that this House do concur in the amendments made to the said act

Ordered that the clerk do inform the Legislative Council thereof, and then the House adjourned till half past Two oclock this Evening

The House met according to adjournment

Mr. Jones introduced the following Resolution—Whereas it is provided by the ordinance of Congress that the number of Representatives to the General Assembly[*] shall be regulated by the number of Inhabitants after the Territory shall contain five Thousand free male Inhabitants of full age, and whereas it is generally believed that the free male inhabitants in the Territory equils or exceeds that number

Resolved therefore by the Legislative Council and House of Representatives that the sherriffs of the different Counties of this Territory or some person debetised by them being duly sworn for that Purpose, shall take in a List of all the free male Inhabitants of their Respective Counties, of the age of Twenty one years and upwards, and return a List thereof to the Secratary of this Territory on or before the first day of April and for falure thereof shall be liable to a fine of Two Hundred Dollars recoverable before any Court of record having competent Jurisdiction, either by action of debt information, or inditement, and that the said sherriff shall receive three cents per man to be paid out of the Territorial Treasury, out of any monies not otherwis appropriated —Resolved further that at the next General Election for members to represent the several Counties in the General Assembly the freeholders and others by law autherised shall Elect one Representative for every Five Hundred free male inhabitants of full age which

the said Respective Counties shall be found to contain on the Taking of such sensus[*][68]

Mr. Jones from the committee of enrolled Bills reported that they have compared the engrossed with the following enrolled Bills from the Legislative Council 1st an act entitled an act to amend an act intitled an act concerning Exicutions 2nd. an act entitled an act providing for leasing the sections of land reserved for the use of schools 3d. an act entitled an act to amend an act entitled an act concerning crimes and Punishments, whereupon Mr. Speaker signed the said enrolled Bills

Ordered that the clerk do inform the Legislative Council thereof

The House according to the order of the day resolved itself into a committee of the whole House on the Bill respicting the Revised Code of the Territory and for other purposes and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones Reported that the committee had according to order had the said Bill under consideration and have made no amendments thereto—Ordered that the said Bill be engrossd for a third reading immediately which being done and the same read a third time

Resolved that the said Bill do pass and that the tittle be as aforesaid. Ordered that the clerk do carry the said act to the Legislative Council and[*] desire their concurance thereto—and then the House adjourned till Tomorrow morning Eight oclock

Wednesday morning 26th Octo. 1808

The House met according to adjournment

Mr. Jones from the committee of enrolled Bills reported that examined the engrossed with the inrolled Bill intitled an act to alter and repeal certain parts of an act entitled a Law to regulate county Levies and find the same truly inrolled where upon Mr. Speaker signed the said enrolled Bill—Ordered that the clerk of this House do inform the Legislative Council thereof

[68] The resolution was postponed by the Council. *Post,* 311-12. A reapportionment of representatives was made by the Governor on April 4, 1809, after the separation of the Illinois counties from Indiana Territory.

A message from the Governor by General Gibson his Secratary—Mr. Speaker I am directed by the Governor to inform this House that he did on the 25th Instant sign and approve the Two following acts 1st. an act to alter and amend an act entitled an act organising Courts of Common pleas and for other purposes and 2nd an act in addition to an act entitled an act regulating the Practice of the General Court and Courts of Common pleas and for other purposes both of which acts originated in this House and then he withdrew—Ordered that the clerk do inform the L Council thereof

Mr. Jones introduced the following Resolution which was agreed to by the House Resolved that a copy of the Resolution entered into yesterday concerning the sections of land in [blank in MS.] be made out signed by the Speaker and[*] attested by the clerk and transmitted to our Delegate by the ensuing mail

Mr. Jones Introduced the following resolution which was agreed to by the House

Resolved that our Delegate to Congress be and he is hereby requested and instructed to use all the means in his power to obtain the passage of a Law authorising the actual settlers in the district of Kaskaskia and who have no titles to the Land by them respectively improved, to cover their Improvements with Donation or Militia rights confirmed by the commissioners of the land office for the said District—and Resolved also that he be requested and instructed to obtain a sum of money sufficient to open a Road from the Ohio by the saline below the mouth of the Wabash to Kaskaskia or any other place in the said District—Resolved further that he be and is hereby requested and instructed to use all the means in his power to obtain authority for the surveying into quarter sections, and the sale of all the lands and the sale of all the lands in the said District, over which the Indian Title has been extinguished

Ordered that a copy of this Resolution be made out signed by the speaker and attested by the clerk and Transmitted to our Delegate by the ensuing mail[*]

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am directed by the Legislative Council to

inform this House that they do concur in the act which originated in this House, intitled an act making appropriations for the ensuing year, to which they have made some amendments and desire the concurance of this House and then he withdrew

A message in writing from the Governor by General Gibson his Secratary Mr. Speaker I am directed by the governor to deliver this House a written communication and then he withdrew, which being read was as follows

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

I have received the Bill which you have passed entitled an act to alter and repeal certain parts of an act entitled an act to regulate county Levies, and I have approvd and signed it with great pleasure, the abolishing the Tax on neat cattle and on young men will afford some relief to the Poor and to the Farming interest—but I must again most strongly recommend to the Two Houses to take off or at least lessen the Tax upon work Horses, if the other objects of county Levy are not sufficient to meet the county expencis, some of those expencis, the Compensation to the Judges of the Common Pleas for Instance might with Propriety be transfered to the Territorial Treasury[*] The averedge price of all the Horses which are to be found in any county, will not I am confident exceed forty Dollars and for that forty Dollars of capital fifty cents per anum is exacted whilest a capital of one Hundred in land pays only Twenty cents to the Territory and Ten cents to the counties, the Tax on Horses in the state of Kentucky is fixed as I am told at nine cents let us immitate this wise example of our neighbours and releave the Poorer class of our Fellow Citizins from the intolerable burden that oppresses them

WILLIAM HENRY HARRISON

INDA. TERRITORY 26th Octo 1808

Mr. Jones from the committee of enrolled Bills reported that they have compared the engrossed with the enrolled Bill entitled an act making appropriations for the ensuing year and find the same truly enrolled where upon Mr. Speaker signed the said en-

rolled Bill ordered that the clerk do inform the Legislative Council thereof

On Motion of Mr. Jones the House came to to the following Resolution

Resolved by the Legislative Council and House of Representatives that Auditor be and he is hereby authorised to settle the account of the attorney General of this Territory for his servises as such[*] from the date of his commission to the end of the Present session of the Legislature at the rate of one Hundred Dollars pr annum and that the Treasurer pay the same out of any monies in the Treasury not otherwise appropriated—Ordered that the clerk do carry the said Resolution to the Legislative Council and desire their concurance thereto[69]

A message from the Legislative Council by Mr. Hurst their clerk—Mr. Speaker I am diricted by the Legislative Council to inform this House that they have passed an act concerning the collection of the Territorial Tax on lands in the counties of St. Clair and Randolph to which they desire the concurance of this House and then he withdrew, which being read the first time

Resolved that the said Bill be read a second time now, the order being dispenced with of going into a committee of the whole on the said Bill

Ordered that the said Bill be engrossed for a third reading immediately which being done, Resolved that the said Bill do pass and that the title be as aforesaid

Ordered that the clerk do inform the the Legislative Council thereof

A message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they do concur in the resolution[*] which passed this House allowing compensation to the Attorney General

69 There is no record of the introduction of this resolution in the Council, but a report of its passage is recorded below. Thomas Randolph, who assumed his duties as attorney general on June 6, 1808, received $25 for serving from that date until the first of September. Payment was made on February 22, 1810. *Post,* 922. See also *ante,* 186, note 25.

which originated in this House without out amendments and then he withdrew

A message from the Legislative Council by Mr. Hurst their clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they do concur in the resolution concerning Printing the Laws of the Present session—also the Resolution dericting propper measures to be Taken to compell the payment of Taxes, without amendments which said acts originated in this House and then he withdrew

Mr. Jones from the committee of Enrolled Bills reported that they had examined the engrossed with the erolled Resolution and find the same truly enrolled whereupon Mr. Speaker signed the said enrolled Resolution

Ordered that the clerk do inform the Legislative Council thereof

Mr. Jones from the committee of enrolled Bills Reported that they have compared the engrossd with the following enrolled Resolutions 1st. a Resolution for the collection of the arrearages of Taxes 2nd a Resolution for Printing the acts of the Present session and find the same Truly enrolled whereupon Mr. Speaker signed the said Resolutions[*] Ordered that the clerk do inform the Legislative Council thereof

Mr. Jones from the committee of enrolled Bills Reported that they have examined the ingrossed with the inrolled Bill entitled an act concerning the collection of the Territorial Tax on land in the counties of St Clair and Randolph and find the same Truly enrolled whereupon Mr. Speaker signed the said enrolled Bill Ordered that the clerk do inform the Legislative Council thereof

Mr. Jones from the committee of enrolled Bills reported that they have examined the engrossd with the enrolled Resolution Respecting a Colledge Town Ship in the District of Jeffersonville and find the same Truly enrolled whereupon Mr. Speaker signed the said enrolled Resolution

Ordered that the clerk do inform the Legislative Council thereof

On Motion Resolved that a committee be appointed to wait on the Legislative Council and inform them that this House have

finished their Legislative business and are now ready to adjourn and that Mr. Jones be that committee—and then the House adjourned untill three oclock this evening

The House met according to adjournment

The Governor having met the the Two Houses in the Representative Chamber[*] Informed the House of Representatives that he had this day approved and signed the following acts and Resolutions all of which originated in the House of Representatives 1st an act making appropriations for the ensuing year 2nd an act making compensation to the members of the Legislative Council and House of Representatives, and to the officers of both Houses for the Present session, 3d a Resolution for Printing the acts of the Present session also a Resolution concerning the collection of the arrearages of Taxes—he then observed that by the authority vested in him by the ordinance he Dissolved the second General Assembly of this Territory, and wished the members of the Legislature a safe and happy return to their respective homes

LEGISLATIVE COUNCIL

Journal of the Legislative Council of the Indiana Territory[1]

Monday, Sept. 26, 1808

This being the day appointed by the governor for the meeting of the legislature of the Indiana Territory, and but two members of the Council appearing, to wit. John Rice Jones[2] and Shadrach Bond, junr. the house adjourned 'till to-morrow.

1 From the Vincennes *Western Sun,* January 21, 28, February 4, 11, 18, 1809.

2 Jones took his seat and served through the session despite efforts to have him removed. Harrison, John Gibson, George Wallace, Jr., and Waller Taylor petitioned President Jefferson for his removal from the Council in July, 1808, declaring "his whole conduct since his appointment to that office, having manifested a total absence of moral & Political virtue & a most rancorous enmity, both to the administration of the General Government & that of the Territory." Esarey (ed.), *Messages and Letters,* 1:298. For the reasons for the break between Jones and Harrison, see *ibid.,* 296-99; Carter (ed.), *Territorial Papers,* 7:578-81, 582-83, 627-28, 8:88, 94-97; Dunn, *Indiana,* 361, 362; and sketch of Jones in Philbrick (ed.), *Laws, 1801-9,* ccxxxviii-ccxlii, particularly ccxl.

Benjamin Chambers, member from Dearborn County, did not take his

Thursday[Tuesday], September 27

The house met according to adjournment—Shadrach Bond, jnr. and George Fisher, produced a commission from the President of the United States, and it appearing from an endorsement of the said commission that they had taken the oath of office, and present John Rice Jones, Shadrach Bond, jr. and George Fisher.

John Rice Jones appointed president.

Ordered, That the secretary inform the house of representatives, that a quorum of this house have met, and that they are ready to proceed to business.

Ordered, That the rules and regulations for the government of this house at the last session be the rules and regulations at this session.

Ordered, That mr. Bond be a committee on the part of this house, jointly with such committee as shall be appointed by the house of representatives for purchasing stationery.

Ordered, That the door keeper appointed at the last session, the house of representatives concurring therein, be appointed door keeper at this session.[3]

Ordered, That George Fisher be a committee on behalf of this house, jointly with such committee as shall be appointed by the house of representatives, to wait on the governor, and inform him that a quorum of both houses are met, and are ready to receive any communications he may be pleased to make to them.

A message from the house of representatives by mr. Caldwell, their clerk. Mr. President, I am directed to inform this house, that the house of representatives have formed a quorum, and are ready to proceed to business.

A message from the house of representatives by mr. Caldwell, their clerk. Mr. President, I am directed to inform this house, that the house of representatives have appointed mr. Jones, a com-

seat throughout this session. However, he received a compensation of $41 as a member of the Council for the year. See Territorial Treasurer's Account Book, *post,* Appendix I. See also Ewbank and Riker (eds.), *Laws, 1809-16,* p. 825n. Samuel Gwathmey, of Clark County, did not serve. *Ante,* 226-27.

[3] This was Samuel Hayes.

mittee in conjunction with the committee appointed by this house to contract for stationery, &c. for the use of both houses; also that the rules and regulations for the government of the house of representatives, & the joint rules of both houses adopted at the last session, are taken and considered the rules for the present session; I am likewise directed to inform this house, that the house of representatives have appointed mr. Jones a committee jointly with the committee appointed by this house to wait on the governor and inform him that a quorum of both houses are met, and that they are ready to receive any communications he may be pleased to make them, and then he retired.

Mr. Fisher from the committee appointed to wait on the governor and inform him that a quorum of both houses had met, reported that the committee had waited on the governor, and he informed them he would make his communications immediately.

A message from the house of representatives by mr. Caldwell their clerk. Mr. President, I am directed to inform this house, that the house of representatives are ready to receive the members of the legislative council in their chamber, to receive the communications of the governor and that the seats to the left of the speaker are appropriated for the members of the council, and then he withdrew.

The house having went into the representatives chamber, took their seats, & the governor came into the house and addressed both houses as follows . . . .[4]

The council having received the address of the governor, returned to their own room—and then adjourned.

Wednesday, September 28.

The house met according to adjournment.

Ordered, That messrs. Bond & Fisher be a committee to draft and report an answer to the governor's address to both houses of the legislature.

A message from the house of representatives by mr. Caldwell, their clerk. Mr. President, I am directed to inform this house that the house of representatives have appointed mr. Johnston, a

[4] *Ante,* 162-70.

committee for enrolled bills, in nonjunction with such committee as may be appointed on the part of this house.

Ordered, That mr. Bond, be appointed a committee for enrolled bills on the part of this house, and that the secretary inform the house of representatives thereof.

Ordered, That the house adjourn.

Thursday, September 29.

The house met according to adjournment.

Mr. Jones from the committee appointed to contract for, and attend the printing, collating, binding and distributing five hundred copies of the laws of the territory, & two hundred copies of the journals of both houses, reported. . . .[5]

On motion, Ordered that this house do concur in the said report, and that the clerk inform the house of representatives thereof.

Ordered, That the house adjourn.

Friday, September 30.

The house met according to adjournment.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives, to inform this house, that they have entered into the following resolutions, to which they desire the concurrence of this house.

Resolved, By the house of representatives, the legislative council concurring therein, that the following rules shall be observed by the legislature in joint meeting in the proceeding in the election of a delegate to congress, viz.

1st. The ballots shall be taken by the clerk of the house of representatives, examined and pronounced by the speaker of the said house in the presence of the members.

2nd. If neither candidate has a majority of the whole number of votes present on the first ballot, the members of both houses shall immediately proceed to a second ballot, and so on from

[5] *Ante,* 173-77.

time to time, until one of the candidates obtains a majority of the whole number of votes.

Resolved, by the house of representatives, the legislative council concurring therein, that they will meet the legislative council in the representatives chamber on Monday the 3d day of October now ensuing, at 11 o'clock, A.M. and then and there proceed to the election of a delegate to congress agreeably to the above rules, & then he withdrew.

Ordered, That the above resolutions lie on the table till to-morrow.

The house for the purpose of proceeding on the impeachment of Robert Morrison, adjourned.

Saturday, October 1.

The house met according to adjournment.

And adjourned till 3 o'clock for the pur-purpose of proceeding on the impeachment against Robert Morrison.

The house met according to adjournment.

On motion, Of Mr. Bond, ordered that the resolutions for proceeding to the election of a delegate to congress be amended by striking out the word Monday and inserting in lieu thereof the word Thursday, and by striking out the word, 3d, and inserting the word, 13th, and by striking out the words, now ensuing, and that the clerk inform the house of representatives thereof, and desire their concurrence therein.

Ordered, That the house adjourn till Monday next.

Monday, October 3.

The house met according to adjournment.

Mr. Bond asked and obtained leave to bring in a bill supplemental to an act entitled 'an act regulating the practice in the general court and court of common pleas, and for other purposes,' which being read the first time, ordered that it be read a second time to-morrow.

The house adjourned.

Tuesday, October 4.

Messrs. Jones & Bond, appeared, and mr. Fisher being unable to attend the house from indisposition, adjourned till 3 o'clock.

House met according to adjournment.

Mr. Bond asked and obtained leave to bring in a resolution to request the governor to send for Benjamin Chambers & Samuel Gwathmey, which was read the first time.

On motion, Ordered that the resolution be read a second time to day, which being read, and the yeas and nay' being called for by mr. Jones, they were as follows,—yeas, mr. Bond, and mr. Fisher—nay, mr. Jones.

Ordered, that this resolution be read a third time to-morrow.

House adjourned.

Wednesday, October 5.

House met according to adjournment.

The resolution to request the governor to send for Benj. Chambers and Samuel Gwathmey esqrs. being read the third time to day, and on the question being put, it passed, the yeas and nays being called for by mr. Jones, they were as follows.—yeas, messrs. Fisher and Bond,—nays, mr. Jones.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am desired by the house of representatives, to inform this house, that they disagree to the amendments made by this house to the resolutions for proceeding to the election of a delegate to congress, and desire a committee of conferrence thereon, and have appointed mr. Johnston, manager on their part.

Messrs. Bond and Fisher, who were appointed a committee to draft and report an answer to the governor's address to both houses, reported the following.

Sir, The legislative council heard with great satisfaction the patriotic and enlightened communication you were pleased to make to them on the opening of the present session.

They are sensible that the necessity of calling the legislature

together out of the usual course will occasionally occur, and your summons to form the present, was cheerfully obeyed, from a conviction that it would not have been made unnecessarily.

The different subjects to which you have called their attention shall receive, as they greatly merit, their earliest and most deliberate notice, and with the aid of your observations & opinions, they flatter themselves such change will be effected, as shall prove beneficial.

The intelligence of the continuance of that harmony and good understanding with our red brethren so much to be desired, is calculated to inspire pleasing reflections.

The just and philanthropic policy which the general government has observed towards this unenlightened race of men is highly appreciated, whilst in you, is discovered the active agent who has given it effect.

With you they most heartily concur in the prudence, wisdom and necessity of the embargo, and as Americans, feelingly alive to the interests of our common country, they pledge themselves to protect and enforce this wise and prudent policy of our national government. If rigidly enforced, they confidently calculate on its power to dispel the portentious storm which threatens our peaceful and happy shores.

They rely on your co-operation in the adoption of such measures as may be calculated to advance the public weal.

Which being read was concurred in.

Ordered, That mr. Fisher wait upon the governor and desire him to inform the house at what time, and where he will be pleased to receive the answer of the council to his address to both houses of the legislature.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am desired to inform this house that the house of representatives has entered into a resolution to request the governor to issue his writ of election for an additional member from the county of Randolph, so that he take his seat at the next session, and then he withdrew.

The resolution to request the governor to issue a writ of elec-

tion for an additional member from the county of Randolph, was read the first time, ordered that it be read a second time on Monday next.

Mr. Bond asked and obtained leave to bring in a bill making compensation to the chancellor of the territory, and for other purposes, which was read the first time, ordered that it be read a 2d time tomorrow.

On motion, Ordered that the consideration of the resolution of the house of representatives desiring a committee of conference on the resolution to proceed to the election of a delegate to congress be postponed till to-morrow.—House adjourned.

Thursday, October 6.

House met according to adjournment.

A message from the house of representatives by mr. Jones, their clerk. Mr. President I am directed to inform this house, that they have passed an act for the admission of equitable trials in suits at law; an act concerning the attorney general and for other purposes; and an act in addition to an act entitled an act to alter and amend an act to regulate elections &c. to which they desire the concurrence of this house, and then he withdrew.

The several bills above mentioned were read the first time to day, ordered that they be read a second time to-morrow.

Mr. Fisher from the committee appointed to wait on the governor and know of him at what time and place he would be pleased to receive the answer of the council to his address to both houses. —reported that he had according to order, waited on the governor, and he informed him that he would this day receive the answer of the council at the secretary's office, at eleven o'clock A.M.

The legislative council waited on the governor at the secretary's office, and delivered their answer to his address to both houses, to which he was pleased to make the following reply.

MR. PRESIDENT AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I receive with great satisfaction the answer which you have now presented to my address to both houses, at the opening of the

session, and you may rely upon my cordial co-opperation in every measure which has a tendency to promote the interests of the territory.

WILLIAM H. HARRISON.

INDIANA TERRITORY, 6th, Oct. 1808

The bill supplemental to an act entitled an act regulating the practice in the general court and court of common pleas, and for other purposes, was read the second time ordered that it be engrossed for a third reading to-morrow.

The bill making compensation to the chancellor of the territory and for other purposes was read the second time to day—ordered that it be engrossed for a third reading to-morrow—house adjourned.

Friday, October 7.

House met according to adjournment.

Mr. Jones asked and obtained leave to bring in a bill in addition to an act entitled an act concerning executions, which was read the first time—ordered that it be read a second time to-morrow.[6]

The act supplemental to an act entitled an act regulating the practice in the general court and court of common pleas, and for other purposes, was read the third time and passed—ordered that the secretary inform the house of representatives thereof, and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed the following acts, to wit: an act concerning the former attorney general; an act to amend an act for opening and regulating public roads & highways; an act for the appointment of county treasurers and

[6] One of the accusations brought against John Rice Jones was that he had opposed at the previous session a bill designed to prevent fraud in the seizure of land on judgments confessed by an administrator or executor of an estate on fictitious accounts. Carter (ed.), *Territorial Papers,* 7:579-80, 627-30. It is not known whether the bill introduced by Jones at this time, which passed and was signed by the Governor on October 26, 1808, was similar to the one he had opposed previously.

for other purposes; an act concerning the writ of habeas corpus ad subjiciendum; to which they desire the concurrence of this house, and then he withdrew.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have entered into a resolution rescinding the order entered into by that house on Tuesday last, rejecting the amendments made by the council to the resolutions which originated in the house of representatives, for the election of a delegate to congress, and appointing a committee of conferrence on their part, and requesting the legislative council to appoint a similar committee on their part, and then he withdrew.

The act concerning the former attorney general was read the first time ordered that it be read a second time to-morrow.

The act to amend the act entitled an act for opening and regulating public roads and highways, was read the first time—ordered that it be read a second time to-morrow.

The act for the appointment of county treasurers and for other purposes, was read the first time to day—ordered that it be read a second time on Monday next.

The act concerning the writ of habeas corpus ad subjiciendum. was read the first time—orderee that it be read a second time on Monday next.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house that they concur in the amendments made by the council to the resolutions for the election of a delegate to represent this territory in congress, which originated in the house of representatives, and then he withdrew.

Mr. Bond asked and obtained leave to bring in a resolution in the following words,

Resolved, That the legislative council view the resolutions of the house of representatives of Tuesday last, praying a committee of conferrence is still before this house, and that they have no right to rescind the same, and that the clerk do inform the house of representatives thereof, which resolution being read it passed

in the affirmative—the yeas and nays being called for by mr. Jones, they were as follows—yeas, messrs. Fisher and Bond—nays, mr. Jones.

Mr. Bond submitted the following resolution for the consideration of the house.

Whereas the legislative council have been informed that the house of representatives have proceeded in the nomination of two persons to be submitted to the president of the United States, to fill the seat of Samuel Gwathmey, esq. a member of this house, and have undertaken to examine witnesses at their barr, to shew that the said Samuel Gwathmey, has forfeited his right to a seat in the council, in consequence of his having accepted another commission under the president of the United States, an enquiry which according to all the laws, usages and customs which prevail throughout the United States properly and exclusively belong to this house—therefore,

Resolved, That the house of representatives, in making the nomination to fill the seat of Samuel Gwathmey, esq. under the circumstances above mentioned, have violated the right, and usurped the power of the legislative council.

Resolved, That the members of the legislative council, being appointed and commissioned by the president of the U. States their commissions can only be vacated by death, resignation or removal, and as this house has not been informed that either of them has happened, they still consider the said Samuel Gwathmey as a member of this body, and entitled to all the rights and privileges thereto belonging,

Resolved, That this house is alone competent to decide on the elegibility and necessary qualifications of its own members and that the pretended exercise of that right by any other body, is derogatory to the honor, and privilege of the council of unparrallelled example and pregnant with the most dangerous consequences.

Resolved, That a copy of these resolutions be signed by the president and attested by the clerk, and sent to the president, of the United States, through the governor, should he think proper to transmit them, and that the president be respectfully requested

to appoint no person in the room of the said Samuel Gwathmey, until he shall be officially notified of his resignation.

Resolved, That the clerk be directed to transmit a copy of the above resolutions to the house of representatives, and inform them that when there is a vacancy in this house we shall inform them of the same; which was read the first and second time to day—ordered that they be read a third time to-morrow.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am desired to inform this house that the house of representatives to inform this house, that they have resolved nem con, the resolution of the legislative council notwithstanding, that they have the right, and will maintain it—that in the present case of the election of a delegate to congress, they were not only justifiable but acted praise worthy, in rescinding their resolution, and agreeing to the amendments made by the legislative council, for the following reasons:

1st. Because in the opinion of this house the legislative council unreasonably delayed to appoint the committee of conference from Tuesday morning until Friday, and 2d. because the interest of their constituents require that no unnecessary impediment should prevent their proceeding to the election of a delegate in pursuance of the ordinance, and as recommended by the executive, so as to give the person elected merely time to reach the seat of the general government by the meeting of congress and then he withdrew.

The house adjourned.

Saturday, October 8.

The house met according to adjournment.

The resolutions disapproving the nomination of persons to fill the seat of Samuel Gwathmey was read the third time and passed, the yeas and nays being called for by mr. Jones, they were as follows—yeas, messrs. Bond & Fisher—nays, mr. Jones.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed the following acts, to wit: an act to amend an act entitled an act concerning servants and for other purposes; an act entitled an act to amend

an act to regulate the fees of the several officers and persons therein named; an act to form a new county out of the counties of Knox and Clark; and an act to alter and amend an act entitled an act organizing courts of common pleas and for other purposes, to which they desire the concurrence of this house, and then he withdrew.

The several bills above mentioned were read the first time to day, ordered that they be read a second time on Friday next.

The act to amend an act entitled an act for opening and regulating public roads and highways, was read the second time to day —ordered that it be read a third time on Friday next.

The act concerning the former attorney general was read the second time to day—ordered that it be read a third time on Tuesday next.

Mr. Jones asked and obtained leave to bring in a bill to amend an act for the trial of small causes, which was read the first time to day—ordered that it be read a second time on Monday next.

House adjourned.

Monday. October 10.

The house met according to adjournment.

The act to amend an act entitled an act concerning executions was read the second time to day—ordered that it be engrossed for a third reading to-morrow.

The act to amend an act entitled an act establishing courts for the trial of small causes, was read the second time to day—ordered that it be engrossed for a third reading to-morrow.

On motion, Ordered that the order for reading the act to form a new county out of the counties of Knox and Clark, the second time on Tuesday next, be rescinded, and that the said act be read a second time to day.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed the following acts, to wit: an act in addition to the act entitled an act regulating the practice in the general court and courts of common pleas, and for other purposes; an act for the relief of Catharine

Moore; an act to amend an act entitled an act regulating the admission and practice of attornies and counsellors at law; and an act entitled an act to establish and regulate ferries, to which they desire the concurrence of this house. I am also directed to lay before this house the several petitions for and against the division of Clark county, and the formation of a new county out of the counties of Clark and Knox, and the petition and accompanying documents of Catharine Moore, and to request that they may be returned to the house of representatives.

The act to form a new county out of the counties of Knox and Clark, was read the second time to day, and on reading thereof, mr. Bond moved to amend the same, by adding a third section thereto, & to make the third section in the said bill a fourth section, which amendments were agreed to.

On Motion, Ordered unanimously that the rule be dispensed with, and that the bill be read a third time to day.

House adjourned.

Tuesday, October 11.

House met according to adjournment.

The act to form a new county out of the counties of Knox and Clark, was read the third time to day, and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have concurred in the amendments made by this house to the act forming a new county out of the counties of Knox and Clark, and then he retired.

The act to amend an act entitled an act concerning executions, was read the third time to day and passed—ordered that the clerk inform the house of representatives thereof, & desire their concurrence therein.

The act to amend an act entitled an act for the trial of small causes was read the third time to day and passed—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

The act to amend an act entitled an act for opening and regulating public roads and highways, being read a third time, mr. Bond moved that a second section be added thereto, which being seconded, was carried in the affirmative. The bill was read a third time, and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

The act in addition to an act entitled an act regulating the practice of the general court, and court of common pleas and for other purposes; the act to amend the act entitled an act regulating the admission and practice of attornies and counsellors at law, and the act for the relief of Catharine Moore, were read the first time to day—ordered that they be read a second time to-morrow.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they concur in the amendment to the act to amend the act regulating public roads and highways, and then he withdrew.

The act for the admission of equitable trials in suits at law, was read the second time to day—ordered that it be read a 3rd time to-morrow.

The act concerning the former attorney general and for other purposes, was read the second time to day—ordered that it be read a third time to-morrow.

The act to amend an act entitled an act concerning servants and for other purposes; the act to amend an act entitled an act to regulate the fees of the several officers and persons therein named; the act making compensation to the chancellor of the territory and for other purposes; the act to alter and amend an act organizing courts of common pleas and for other purposes; and the act to amend an act entitled an act to alter and amend an act to regulate elections, were severally read the second time to day—ordered that they be read a third time to-morrow.

House adjourned.

Wednesday, October 12.

The house met according to adjournment.

Mr. Bond from the committee of enrolled bills, reported that they had examined the act to form a new county out of the counties of Knox and Clark, and found it truly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, The speaker of the house of representatives having signed the act to form a new county out of the counties of Knox and Clark, I am directed to lay it before this house for the signature of the president, and then he withdrew.

The president having signed the act to form a new county out of the counties of Knox and Clark, it was delivered to the committee of enrolled bills to be laid before the governor.

House adjourned.

Thursday, October 13.

Mr. Fisher not being able to attend the house from indisposition, adjourned 'till 3 o'clock. Mr. Fisher still being too much indisposed to attend the house. Adjourned till to-morrow.

Friday, October 14.

The house met according to adjournment.

Mr. Bond from the committee of enrolled bills reported that they had laid before the governor for his approbation, the act to form a new county out of the counties of Knox and Clark.—They have also examined the act entitled an act to amend an act for opening and regulating public roads and highways.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act to amend an act entitled an act for opening and regulating public roads and highways, I am directed to lay it before this house for the signature of the president. I am also directed to inform this house, that the house of representatives have passed the following acts, to wit: an act allowing compensation to the members of the legislative council and house of representatives and to the officers of both houses for the present session; an act for the relief of the printers of the

revised code and for other purposes; an act supplementary to an act entitled an act to authorise the proprietors of land in the lower prarie in the county of Knox to inclose the same and for other purposes; an act for the relief of Nicholas Jarrot. They have concurred in the act supplemental to an act entitled an act regulating the practice in the general court and court of common pleas and for other purposes; and an act for the relief of Robert Morrison and others,[7] to which they have made some amendments, to all which they desire the concurrence of this house, and then he withdrew.

On the second reading of the act for the relief of Catharine Moore, mr. Bond moved to amend the same by striking out the words 'a vinculo matrimonia' that is in the third line of the first section, which passed in the affirmative.

On Motion, Ordered that the rule be dispensed with, and that the bill be read a third time to day—whereupon it was read the third time, and passed as amended—the yeas and nays being called for by mr. Jones, they were as follows—yeas, messrs. Bond and Fisher—nays, mr. Jones—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

The president having signed the act to amend an act entitled an act regulating public roads and highways, it was delivered to the committee for enrolled bills to be laid before the governor.

On Motion, The act concerning the former attorney general was read the third time, and on the question being taken shall this bill pass, it passed in the negative—ordered that the clerk inform the house of representatives thereof.

On Motion, Ordered that the act for the admission of equitable trials in suits at law be read the third time to day, whereupon it was read, and on the question being put, shall this bill pass, it

[7] The bill for the relief of Robert Morrison and others originated in the House and was introduced into the Council for the first time at this point. Its first and second reading in the Council are not recorded in this Journal, but the third reading is (*post,* 302-3). The Council's amendments to the bill were rejected by the House and the measure failed. *Ante,* 258-59, *post,* 305.

passed in the negative—ordered that the clerk inform the house of representatives thereof.

On the third reading of the act making compensation to the chancellor of the territory and for other purposes, mr. Bond moved to amend the same by striking out from the word 'services' in the second section to the end of the third session, which passed in the affirmative, whereupon the bill was read a third time and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

On the third reading of the act to amend the act entitled an act concerning servants and for other purposes, mr. Bond moved to amend the same by adding after the word masters, in the fourth line from the bottom of the first page the words, first had and obtained, and on motion the further consideration of the bill is postponed till evening.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have concurred in the amendments made by this house to the act for the relief of Catharine Moore, and then he withdrew.

House adjourned.

Saturday, October 15.

House met according to adjournment.

The act to amend an act entitled an act regulating the fees of the several officers and persons therein named, was read the third time, when mr. Fisher moved to strike out the first section, which passed in the affirmative—the question being taken, shall the bill pass as amended, it passed in the affirmative—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

Mr. Bond asked and obtained leave to bring in a bill supplemental to an act entitled an act establishing and regulating the militia, which was read the first time to day—ordered that it be read a second time on Monday next.

Ordered, That the house adjourn till Monday next.

Monday, October 17,

House met according to adjournment.

Mr. Jones submitted the following resolution to the consideration of the house.

Whereas frequent appeals to the people by election are the best safe guards of their rights and liberties, and whereas it appears to this house that the mode established by the ordinance for the government of the territory of nominating and appointing the legislative council, and the time of their continuance in office, are by no means congenial to the rights or interests of the citizens in a free government.

Resolved therefore by the legislative council of the Indiana territory, that our delegate be instructed to use his endeavors at the ensuing national legislature to procure a law to be passed vesting the powers of electing the members of the said council in the citizens of the said territory entitled to vote for representatives to the general assembly, and that the continuance in office of the members of such council shall be for the term of two years only.

Resolved, that our delegate be instructed to apply to the national legislature at their next session for the passage of a law vesting the powers of electing a delegate to congress in the citizens of the territory entitled to vote for representatives to the general assembly.

Resolved, that copies of these resolutions signed by the president, and attested by the secretary, be transmitted to the president of the United States, the president of the senate, the speaker of the house of representatives, and our delegate to congress.

Mr. Bond moved to amend the same by striking out the word, two, in the first resolution, and insert the word, four, which passed in the affirmative, the yeas and nays being called for by mr. Jones, they were—yeas, messrs. Fisher and Bond—nays, mr. Jones.

Ordered that the resolutions pass as amended.[8]

[8] These resolutions were forwarded to the U.S. House of Representatives by John Rice Jones, president of the Council, on October 26, 1808. They were presented to the House on November 18, and ordered to lie on the table. On December 15 they were referred to a committee appointed "to inquire into the expediency of extending the right of suffrage in the Indiana territory," which presented a bill on December 26. The

Mr. Bond from the committee for enrolled bills, reported that they had laid before the governor, the act in addition to the act regulating public roads and highways. He also reported that they had examined the act for the relief of Catharine Moore, and find it duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act for the relief of Catherine Moore, I am directed to lay it before this house for the signature of the president, and then he retired.

The president of the council having signed the act for the relief of Catharine Moore, it was delivered to the committee for enrolled bills to be laid before the governor.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed an act to alter and repeal certain parts of an act entitled a law to regulate county levies, to which they desire the concurrence of this house, and then he withdrew.

Mr. Bond from the committee of enrolled bills reported that they had laid before the governor, the act for the relief of Catharine Moore.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have concurred in the act to amend an act entitled an act establishing courts for the trial of small causes, to which they have made some amendments, and desire the concurrence of this house, and then he withdrew.

The act to amend an act entitled an act for the trial of small causes was read, on motion, ordered that this house concur in the amendments thereto by the house of representatives, on the question being taken shall this bill pass as amended, it passed in the affirmative—ordered that the clerk inform the house of representatives thereof.

resolutions were read in the Senate on November 21. See Carter (ed.), *Territorial Papers,* 7:609 and notes; *Annals of Congress,* 10 Congress, 2 session, 20, 501, 855, 909; U. S. *Statutes at Large,* 2:525-26. For similar resolutions from the territorial House, see *ante,* 213-15n.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have concurred in the amendment made by this house to the act entitled an act to amend an act entitled an act regulating the fees of the several officers and persons therein named, and then he withdrew.

Mr. Jones asked and obtained leave to bring in a bill to regulate the county levies which was read the first time—ordered that it be read a second time to-morrow.

Mr. Bond moved to bring in a bill to establish district courts and a court of errors and appeals, which was read the first time—ordered that it be read a second time to morrow.

House adjourned.

Tuesday, October 18.

House met according to adjournment.

House adjourned.

Wednesday, October 19.

House met according to adjournment

Mr. Bond from the committee of enrolled bill, reported that they had compared the enrolled with the engrossed bill to amend an act entitled an act regulating the fees of the several officers and persons therein named, and find it duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act to amend an act entitled an act to regulate the fees of the several officers and persons therein named, I am directed to lay it before this house for the signature of the president, and then he withdrew.

The president having signed the act to amend an act entitled an act to regulate the fees of the several officers and persons therein named, it was delivered to the committee for enrolled bills to be laid before the governor.

On the second reading of the bill establishing district courts and a court of errors and appeals, moved to amend the same by adding the following section to it. 'Be it further enacted, that

no judge shall hold a district court in any county in this territory for two terms successively; nor shall any judge from whose opinion an appeal is prayed for to the court of errors and appeals set in such court on the trial of such appeal' which passed in the affirmative.

On Motion, Ordered that the rule be dispensed with, and that the same be read a third time to day, whereupon it was read, and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence thereto.

The act for the relief of Nicholas Jarrot was read the first time to day—on motion, ordered that the rule be dispensed with, and that the same be read a second and 3d time to day, whereupon the same was read and passed—ordered that the clerk inform the house of representatives thereof.

The act supplementary to an act entitled an act to authorise the proprietors of land in the lower prairie in the county of Knox to enclose the same and for other purposes, was read the first time—on motion, ordered that the rule be dispensed with, & that the same be read a second and third time to day whereupon the same was read accordingly, and passed—ordered that the clerk inform the house of representatives thereof.

The act allowing compensation to the legislative council, and house of representatives was read the first time, when mr. Fisher moved to amend the same by striking out the word, three, in the second line of the third section, and inserting in lieu thereof the wor[d], two, which passed in the affirmative—on motion, ordered that the rule be dispensed with, and that the same be read a second and third time to day, whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed an act to alter the times of holding the court of Chancery and an act to repeal the act concerning the introduction of negroes and mulattoes, to which they desire the concurrence of this house, and then he withdrew.

The act for the relief of the printers of the revised code and for other purposes, was read the first time, when mr. Fisher moved to amend the same by striking out the word eighty one, in the sixth line of the 2d sect. and insert in lieu thereof the words, forty five, and to strike out the whole of the 2d section after the words, thirty dollars, which passed in the affirmative—on motion, ordered that the rule be dispensed with, and that the same be read a second and third time to day, whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurence therein.[9]

The act supplemental to an act entitled an act establishing & regulating the militia, was read the second time to day—ordered, that the same be read a 3d time to-morrow.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed the following resolution.

Resolved, the legislative council concurring therein, that our delegate to congress be instructed to use his endeavors to have a law passed allowing further time to the citizens of Knox in this territory, to claim and locate lands in the said county, to which they desire the concurrence of this house, and then he withdrew.

House adjourned.

Thursday, October 20.

Mr. Bond being too much indisposed to attend the house, it adjourned 'till to-morrow.

Friday, October 21.

House met according to adjournment.

A message from the governor by general Gibson, secretary—The message recommends to the legislature the passage of a law authorising the governor to call out the militia in cases of immergency, and also to furnish those who may be so called out with provisions, it also contains an account of expenditures.[10]

The act concerning servants and for other purposes, was

[9] See *post,* 293, and note.

[10] The complete message is given in the House Journal, *ante,* 240-41.

read the third time to day, whereupon mr. Fisher moved to amend the same by striking out the third section which passed in the affirmative—on motion, ordered that the bill pass as amended, and that the clerk inform the house of representatives thereof, and desire their concurrence therein.

The act to amend an act entitled an act organizing courts of common pleas and for other purposes, was read the 3d time, when mr. Fisher moved to amend the same by striking out the word, one, in the first section, & insert the word, two, in lieu thereof, and also to strike out the 2d, 3d, 4th & 6th sections thereof, and further to amend the same by adding the following section.

Be it enacted, that the following fees shall be allowed and collected by the proper officer and paid into the county treasury.

Every writ of capias and seal,	1
For each action in court	75
Signing every judgment	50
Acknowledging satisfaction on record	25
Taxing and signing bill of costs	50
Proof or acknowledgement of deed	75
For every issue joined	1
For every trial	1 50
Granting referrees	50
Approving report of referrees	70
On surrendering principal in court	50
Hearing petin. & making order thereon	50
Allowing writ of error, habeas corpus, or certiorari, when presented from the judges of the general court	1

which passed in the affirmative, the yeas & nays being called for by mr. Jones, they were, yeas, messrs. Bond and Fisher, nays, mr. Jones—on motion, ordered that this act do pass as amended, yeas and nays being called for by mr. Jones, they were, yeas messrs. Bond and Fisher, nays, mr. Jones—Ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.[11]

[11] These amendments were concurred in by the House. *Ante,* 255. However, there are discrepancies between the amended section as given here and the printed law. See Philbrick (ed.), *Laws, 1801-9,* pp. 661-62.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed an act to amend an act authorising the granting letters testamentary and letters of administration, for the settlement of intestates estates and for other purposes to which they desire the concurrence of this House and then he withdrew.

The last mentioned act was read the first time, when mr. Jones moved to amend the same by adding executors or administrators shall make it a part of the condition of such sales that purchases under three dollars shall be paid down, which passed in the affirmative, several other amendments being made thereto, ordered that the rule be dispensed with, and that the same be read a 2d & 3d time to day, whereupon it was read, and passed as amended —ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.[12]

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives disagree to the amendments made by this house to the act entitled an act concerning servants, and to the amendments made to the act allowing compensation to the members of the house of representatives and legislative council, and to the officers of both houses for the present session, and then he withdrew.

The bill supplemental to an act entitled an act establishing and regulating the militia, was read the second time, further consideration of this bill be postponed.[13]

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house,

This may be due to carelessness in copying on the part of a clerk or on the part of the typesetter of the *Western Sun* from which this Journal is taken.

12 There is no further record of action on this measure in the Council Journal. The House concurred in the amendments (*ante,* 245), and the act was signed by the Governor (*ante,* 254).

13 According to the Journal, this is the second time this bill came up for second reading. On October 19 it was read a second time and advanced to third reading. It was read the third time and passed on October 21.

that the house of representatives have passed the act establishing district courts and a high court of errors and appeals, to which they have made an amendment, and desire the concurrence of this house thereto.

The act for the relief of the printers of the revised code and for other purposes was read the second time, when mr. Fisher moved to amend the same by striking out the words, eighty one, in the sixth line of the 2nd section, and insert in lieu thereof the word, fifty, and several other amendments being made thereto—ordered that the rule be dispensed with, and that the same be read a third time to day whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurence therein.[14]

Mr. Bond from the committee for enrolled bills, reported that they had examined the act supplemental to the act regulating the practice of the general court and courts of common pleas and for other purposes, and the act for the relief of Nicholas Jarrot and find them duly enrolled,

A message from the house of representatives by mr. Jones, their clerk. Mr. President, The speaker of the house of representatives having signed the act entitled an act regulating the practice of the general court and courts of common pleas and for other purposes, and the act for the relief of Nicholas Jarrot, I am directed to lay them before this house for the signature of the president.

The president having signed the above mentioned acts, they were delivered to the committee of enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bills, reported that they had laid before the governor the act supplemental to an act regulating the practice in the general court and courts of common pleas, and for other purposes, and the act for the relief of Nicholas Jarrot,

[14] According to the Journal this is the second time this action was taken by the Council. *Ante,* 290. However, there are variations in the amendments presented, and the amendments passed at this time are the ones that appear in the law. Philbrick (ed.), *Laws, 1801-9,* pp. 656-57.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have concurred in the amendment to the act for the relief of the printers of the revised code and for other purposes.

Mr. Bond submitted the following resolution for the consideration of the house.

Resolved by the legislative council, the house of representatives concurring therein, that the legislative council will meet the house of representatives, in the representatives chamber on to-morrow, being Saturday the 22d inst. at 11 o'clock A.M. in order to elect by joint ballot of both houses a delegate to represent this territory in congress.

Resolved by the legislative council, the house of representatives concurring therein, that the following rules shall be observed by the two houses in the said election.

1st. The ballots shall be taken by the clerk of the house of representatives, and pronounced by the speaker thereof in presence of the members.

2d. A majority of the whole number of members present shall be requisite to make an election; and should no candidate have such majority on the 1st ballot the members shall proceed to a 2d and 3d ballot, and so on until one of the candidates shall have such majority, which being read, mr. Fisher moved to amend by adding the following.

3d. Resolved that the candidate who shall have the least number of votes shall resign his pretentions to the other candidate and in like manner the lowest shall continue to be cast out until one of the candidates is elected, which passed in the affirmative, the yeas and nays being called for by mr. Jones they were—yeas, messrs. Fisher and Bond—nay, mr. Jones—on motion, ordered that the resolution pass as amended, and that the clerk inform the house of representatives thereof and desire their concurrence therein.

Mr. Fisher asked and obtained leave to bring in a bill supplemental to an act establishing circuit courts and a high court of errors and appeals, which was read the first time, the question

being put shall this bill be read a 2d time to-morrow, it passed in the affirmative, the yeas and nays being demanded by mr. Jones, they were—yeas, messrs Bond and Fisher—nays, mr. Jones.

House adjourned.

Saturday, October 22.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they concur in the resolutions entered into by this house for the election of a delegate to congress, and then he retired.

Mr. Bond from the committee of enrolled bills reported, that they had examined the following enrolled bills, to wit: the act for the relief of the printers of the revised code and for other purposes—the act supplemental to an act entitled an act authorizing the proprietors of land in the lower prairie in the county of Knox and Indiana territory to inclose the same, and for other purposes—and the act to amend an act supplemental to an act authorising the granting letters testamentary and letters of administration and for other purposes, and find them duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they are now ready to receive the members of the legislative council in the representatives chamber to proceed to the election of a delegate to congress, and then he withdrew.

Whereupon the legislative council attended in the representatives chamber and proceeded to ballot for a delegate to congress, and on the first ballot it appeared that Jesse B. Thomas, was duly elected.

The council thereupon returned to their chamber.

A message from the governor, by general Gibson, secretary. Mr. President, I am directed by the governor to inform this house, that he has this day approved and signed the act supplemental to an act regulating the practice in the general court and courts of common pleas and for other purposes, which originated in this house, and then he withdrew.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, The speaker of the house of representatives having signed the following acts, to wit: an act supplemental to an act entitled an act to authorise the proprietors of land in the lower prairie in the county of Knox, to enclose the same and for other purposes—the act for the relief of the printers of the revised code and for other purposes,—the act to amend an act entitled an act authorising the granting letters testamentary, and letters of administration, and for the settlement of intestates estates and for other purposes, I am directed to lay them before this house for the signature of the president.

The president having signed the last mentioned acts they were delivered to the committee for enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bills reported, that they had laid before the governor the last mentioned acts.

On Motion, Resolved that this house insist upon their amendments made to the act concerning servants, and to the act allowing compensation to the legislative council & house of representatives and the officers of both houses for the present session, and desire a committee of conferrence thereon, and that Fisher be manager on the part of this house.

Ordered that the clerk inform the house of representatives thereof.

The act supplemental to the act entitled an act establishing and regulating the militia was read the 3d time, when mr. Bond moved to amend the same by adding another section in these words—this act shall commence and be in force from and after the first day of January next, and continue in force for two years and no longer, which passed in the affirmative—on motion, ordered that this bill do pass as amended—yeas and nays being called for by mr. Jones, they were—yeas, messrs. Bond and Fisher,—nays, mr. Jones—ordered that the clerk inform the house of representatives thereof and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house

that mr. Jones is appointed a committee for enrolled bills, in the room of mr. Johnston, and then he withdrew.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that mr. Jones is appointed manager on the part of the house of representatives to the committee of conferrence prayed for by this house on the subject matter of disagreement to the act concerning servants, and the act allowing compensation to the members of the legislative council, and house of representatives and to the officers of both houses, and then he withdrew.

The act in addition to an act regulating the practice of the general court and court of common pleas & for other purposes was read the 2d time, and several amendments being made thereto —on motion, ordered that the rule be dispensed with, and that the same be read a 3d time to day, whereupon it was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

Monday, October 24,

House met according to adjournment.

Mr. Bond from the committee of enrolled bills reported that they had examined the act to amend an act entitled an act for the trial of small causes, and the act for the establishing district courts and a court of errors and appeals, and find them duly enrolled.[15]

Mr. Fisher from the committee of conferrence appointed on the act concerning servants and for other purposes, and the act allowing compensation to the members of the legislative council and house of representatives and the officers of both houses for the present session, reported that the committee had taken the subject matter of differences between the two houses on the said laws into consideration, had agreed that the house of representatives should accede to the amendments made by the council to the act concerning servants, and that the council should so far recede

[15] This bill was returned to the Council from the House with an amendment on October 21. *Ante,* 293. There is no record of the Council concurring in the amendment in this Journal, but it was reported in the House that they had done so. *Ante,* 245. The bill was vetoed by the Governor. *Post,* 300-1.

from their amendments to the act making compensation as to make the allowance to the assistant clerk two dollars and fifty cents, instead of two dollars—on motion, ordered that the house concur in the report of the committee, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am desired to inform this house that the house of representatives have appointed G. W. Johnston speaker of the house, and then he withdrew.

Mr. Jones submitted the following resolution for the consideration of this house—Whereas it is provided by the 2d section of the 4th article of the constitution of the U. S. that a person charged in any state, with treason, felony or other crime, who shall flee from justice, and be found in any other state, should on demand of the executive authority of the state from which he fled be delivered up to be removed to the state having jurisdiction of the crime,—and

Whereas the act of congress of the 12th Feb. 1793, provides that fugitives from justice should be delivered up on the demand of any state in the union, or either of the territories north west or south west of the river Ohio, in the manner therein directed,

And whereas it has been certified to this legislature from the governor of this territory, that the judges of the Federal court for the district of Kentucky have lately decided that congress had no power to extend the provisions of that law to the territories, the words of the constitution confining their authority to enact laws on the subject obligatory on the states only,

And whereas the effects of such a decision may be extremely prejudicial to the lives and property of the citizens of the territories, and it appearing reasonable that the benefits of the constitution of the U. States should be extended to them.

Therefore, resolved by the legislative council and house of representatives, that our delegate to congress be instructed to apply at the next session of the national legislature for the adoption of such measures as may be thought necessary for rendering the said act of congress of 12th Feb. 1793, constitutional and binding throughout the states and territories, and that he also use his

endeavors to have the benefit of the constitution of the U. S. extended to all the territories—Resolved also, that a copy of these resolutions together with copies of the governors message with the extract of the late governor Greenup's letter to him on the subject, signed by the president and attested by the clerk thereof, be transmitted to the speaker of the house of representatives of the U. S. by the governor of the territory.[16]

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act establishing district courts and a court of errors and appeals, and the act to amend an act entitled an act establishing courts for the trial of small causes, I am directed to lay them before this house for the signature of the president.

The president having signed the last mentioned acts they were delivered to the committee for enrolled bills to be laid before the governor.

The act to amend an act entitled an act regulating the admission and practice of attornies and counsellors at law was read the 3d time,[17] when mr. Fisher moved to amend the same by striking out the whole of the preamble, and further to amend it by striking out from the word, 'that,' in the first line of the 3d section, to the word 'each,' in the fifth line of the same section, which passed in the affirmative—on motion, ordered that this bill pass as amended, and that the clerk inform the house of representatives thereof, & desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house that they have concurred in the report of the committee of conferrence on the act concerning servants and for other purposes, and the act making compensation to the legislative council and house of representatives and the officers of both houses for the present session, and then he retired.

A message from the house of representatives by mr. Jones,

16 See *ante*, 252-54.

17 No record of the second reading of this bill is given in this Journal.

their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have concurred in the amendment made by this house to the act to alter and amend the act organizing the court of common pleas, and to the act to amend the act regulating the admission and practice of attornies and counsellers at law.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house that they have concurred in the act in addition to an act concerning executions, which originated in this house, and then he withdrew.

Mr. Bond from the committee for enrolled bills reported, that they had laid before the governor the act to amend an act entitled an act establishing courts for the trial of small causes, and the act establishing district courts and a court of errors and appeals.

The bill regulating county levies was read the 2d time to day —on motion, ordered that the rule be dispensed with, and that the same be read a 3d time this evening.

A message from the governor, by general Gibson, secretary.[18]

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I have received and duly considered the bill which originated in the council entitled an act establishing district courts and a high court of errors and appeals; I sincerely lament the necessity which compels me to with-hold my consent to it under its present form—because the general principles and provisions of the bill are such as I most cordially approve, and have on several occasions recommended to the two houses.

My objections are entirely confined to the 3d and 9th sections —by the former the clerks of the several courts of common pleas are ex officio clerks of the district courts in their respective counties where the emoluments of each are not sufficient to induce a properly qualified person to undertake the discharge of them; but in several of the counties it is probable that either of them would be an object to a man of business, at least the executive should be

18 A copy of this message, written and signed by Harrison, is in the Archives Division, Indiana State Library.

possessed of power to divide them if he thinks proper to do so. This section also declares that the executive shall remove the clerk of any court upon the application of the court to which he is clerk —I cannot consent that a single judge, or any number of judges, shall have the right to direct the executive in any matter which is purely of an executive nature.

My objections to the 9th section of the bill is, that it is in contradiction to a law of congress which declares that any one judge of the territory shall have authority to hold any court in the said territory, the others being absent, but this section disqualifies a judge from holding two courts successively in the same county.

WILLIAM H. HARRISON.

INDIANA TERRITORY, 24th, Oct. 1808.

The bill to amend an act entitled an act establishing and regulating ferries was read the first time to day, the question being put shall this bill be read a second time, it passed in the negative —ordered that the clerk inform the house of representatives thereof.

The act concerning the attorney general was read a 2d time to day, when mr. Jones moved to amend the same by striking out the whole of the 3d section, which passed in the affirmative —on motion, ordered that the rule be dispensed with, & that the same be read a 3d time to day, whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.[19]

The act to repeal an act entitled an act for the introduction of negroes and mulattoes into this territory, was read the first time, and the question being put shall this bill be read a 2d time, it passed in the negative—ordered that the clerk inform the house of representatives thereof.

[19] The House concurred in the amendments (*ante,* 257), though no record of this is recorded in the Council Journal. It was declared enrolled (*post,* 305), but was vetoed by the Governor (*post,* 307).

The act to alter the terms of the court of chancery was read the first time, and the question being put, shall this bill be read a 2d time, it passed in the negative—ordered that the clerk inform the house of representatives thereof.

The bill concerning the writ of habeas corpus ad subjiciendum was read the 2d time, and the question being put, shall this bill be read a third time, it passed in the negative—ordered that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house, that they have passed an act making appropriations for the ensuing year, to which they desire the concurrence of this house, and then he withdrew.

Mr. Bond from the committee for enrolled bills reported that they had examined the act making compensation to the legislative council and house of representatives & to the officers of both houses for the present session, and the act concerning servants and for other purposes, and find them duly enrolled.

The act making compensation to Robert Morrison, and the witnesses who attended the trial of his impeachment was read a 3d time, when mr. Bond moved to amend the same by striking out the whole of the bill after the word compensation, in the first line of the title, and to insert in lieu thereof the following.

'To the witnesses who attended the trial of the impeachment of Robert Morrison and for other purposes.

'Be it enacted by the legislative council and house of representatives, and it is hereby enacted by the authority of the same, that to Robert Robinson, Michael Jones, John Baird and James Gilbreath, who were summoned and attended as witnesses on the trial of the impeachment of Robert Morrison, there shall be allowed and paid out of any money in the treasury not otherwise appropriated the sum of twenty five dollars each, for such their attendance and expences; to James Gilbreath, sheriff of Randolph county, for serving subpœnas and copy of articles of impeachment six dollars & 25 cents; to David Robinson, coronor of said county, in full for his services in serving subpoenas and returning same the sum of three dollars 12½ cents; to Henry Hurst, in full

for his services for summons, subpoenas, and copy of articles of impeachment, the sum of 3 dollars and 50 cents, to be paid in manner and form above mentioned, and the auditor of the territory is hereby required to audit the same,' which passed in the affirmative—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.[20]

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act making compensation to the legislative council and house of representatives, and to the officers of both houses for the present session, and the act to amend an act entitled an act concerning servants and for other purposes, I am directed to lay them before this house for the signature of the president and then he withdrew.

The president having signed the above mentioned acts, they were delivered to the committee for enrolled bills to be laid before the governor.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform this house that they have entered into the following resolutions.

Resolved by the legislative council and house of representatives that the proper officers be, and are hereby required to take speedy and effectual measures to compel payment by the collectors of the arrearages by them respectively due.

Resolved, that messrs. Messinger and Decker be a committee on the part of this house to meet a committee of the legislative council, in order to wait on his excellency the governor and inform him that the two houses will have finished their legislative business to-morrow at 3 o'clock, P.M. at which time they will be ready to adjourn.

Resolved by the legislative council and house of representatives that messrs. J. R. Jones and G. W. Johnston, be, and they are hereby appointed a committee to contract with such person or persons as they may think proper for printing, either here, in

[20] See *ante,* 284.

Louisiana or Kentucky, 400 copies of the laws of the present session of the legislature on the most reasonable terms they can, and that they make out copies of the said laws to be delivered or forwarded to such printer as may have contracted for the printing.

Resolved also, that in making such contract they shall provide that the said laws shall be printed and ready for delivery to the committee on or before the first day of January next, and that they destribute 45 copies of the said laws to each of the counties in the territory, and deliver the overplus to the office of the secretary of the territory.

Mr. Bond asked and obtained leave to bring in a bill providing for leasing the sections of land reserved for publick schools, which was read the first time—on motion, ordered that the rule be dispensed with and that the same be read a 2d and 3d time to day, whereupon the same was read and passed—ordered, that the clerk inform the house of representatives thereof, and desire their concurrence therein.

The act making appropriations for the ensuing year, was read the first time.

House adjourned.

Tuesday, October 25.

A message from the governor, by general Gibson, secretary. Mr. President, I am directed by the governor to inform the legislative council that he has this day approved and signed the act to amend an act entitled an act establishing courts for the trial of small causes, which originated in this house—I am also directed to deliver the following message.

GENTLEMEN OF THE LEGISLATIVE COUNCIL.

I have inadvertently neglected to communicate to the council that Saml. Gwathmey resigned his seat in their body, that I have communicated the same to the house of representatives, & shall by the next mail communicate it to the president. As mr. Gwathmey's resignation was made known to me before I had an opportunity of transmitting to the president the resolutions which I some time

since received from the council for that purpose, I did not think it was necessary to transmit them at all.

WILLIAM H. HARRISON.

INDIANA TERRITORY, 25th Oct. 1808.

Mr. Jones asked and obtained leave to bring in a bill entitled an act to amend an act entitled an act respecting crimes and punishments, which was read the first time, on motion, ordered that the rule be dispensed with, and that the same be read a 2d and 3d time to day, whereupon the same was read accordingly and passed—ordered, that the clerk inform the house of representatives thereof, and desire their concurrence therein.

Mr. Bond from the committee of enrolled bills reported that they had laid before the governor the act making compensation to the legislative council and house of representatives and to the officers of both houses for the present session, and the act to amend an act concerning servants and for other purposes.—He also reported that they had examined the act concerning the attorney general and for other purposes—the act to amend an act entitled an act regulating the practice and admission of attornies and counsellors at law—the act to alter and amend the act organizing courts of common pleas and for other purposes; and the act in addition to the act regulating the practice of the general court and courts of common pleas and for other purposes and find them duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have disagreed to the amendments made by this house to the act making compensation to the witnesses who attended the trial of the impeachment against Robert Morrison and for other purposes—Likewise that the speaker of the house of representatives having signed the act in addition to an act regulating the practice of the general court and courts of common pleas and for other purposes—the act concerning the attorney general and for other purposes—the act to amend an act entitled an act regulating the admission and practice of attornies and counsellors at law, and the act to alter and amend the

act organizing courts of common pleas and for other purposes, I am directed to lay them before this house for the signature of the president.

The president having signed the above mentioned acts they were delivered to the committee for enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bills reported that they had laid the last mentioned acts before the governor.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have concurred in the act entitled an act to amend an act entitled an act concerning crimes and punishments, to which they have made an amendment, and desire the concurrence of this house thereto, and then he withdrew—on motion ordered that this house do concur in the amendment made to the last mentioned act by the house of representatives, and that the clerk inform them thereof.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have concurred in the act to authorise the leasing the sections of land reserved for the use of schools, to which they have made an amendment, and desire the concurrence of this house thereto, and then he withdrew.

On motion, ordered, that this house do concur in the amendment made by the house of representatives to the above mentioned act, and that the clerk inform them thereof.

The act to alter and repeal certain parts of an act entitled a law to regulate county levies, was read the 1st time when mr. Bond moved to amend the same by adding a 2d section thereto in these words, 'And be it further enacted, that in lieu of the tax heretofore collected on neat cattle and single men, the courts of common pleas in each county respectively shall at the same term at which they levy the tax upon other objects of taxation, levy a tax on located lands not exceeding ten cents on each hundred dollars, which said tax of ten cents shall be collected by the sheriffs respectively at the same time, and under the same regulations conditions and provisions which are or may be provided by law for

the collection of territorial taxes; provided that the whole of the taxes collected under the authority of this section shall be paid into the county treasury, and applied exclusively to county buildings,' which passed in the affirmative—and further to amend the same by striking out the word 'five,' and inserting in lieu thereof the word 'eight,' which passed in the affirmative—on motion, ordered that the rule be dispensed with, and that the same be read a 2d & 3d time to day, whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the governor has rejected the act concerning the attorney general and for other purposes, which originated in the house of representatives and then he withdrew.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have concurred in the amendments made by this house to the act to alter and repeal certain parts of the act entitled a law regulating county levies, and then he withdrew.

Mr. Fisher asked and obtained leave to bring in a bill to establish district courts & a high court of errors and appeals, which was read the first time.

Mr. Bond from the committee for enrolled bills reported that they had examined the act providing for leasing the sections of land reserved for the use of schools, and the act to amend an act respecting crimes and punishments, and find them duly enrolled.

House adjourned.

Wednesday, October 26.

House met according to adjournment.

Mr. Bond from the committee for enrolled bills reported that they had examined the act to alter and repeal certain parts of an act entitled a law regulating county levies and find it duly enrolled.

A message from the house of representatives by mr. Jones,

their clerk. Mr. President, the speaker of the house of representatives having signed the act to alter and repeal certain parts of an act entitled a law to regulate county levies—the act providing for the leasing the sections of land reserved for the use of schools—the act to amend an act entitled an act respecting crimes and punishments, and an act to amend an act entitled an act concerning executions, I am directed to lay them before the council for the signature of the president—I am also directed to inform the council that the house of representatives have passed an act respecting the revised code of the territory and for other purposes, and that they have come to the following resolutions to which they desire the concurrence of the council, and then he withdrew.

Whereas it is provided by the ordinance of congress that the number of representatives to the general assembly shall be regulated by the number of inhabitants after the territory shall contain 5000 free male inhabitants of full age, and whereas it is generally believed that the free male inhabitants in the territory equals or exceeds that number.

Resolved therefore by the legislative council and house of representatives, that the sheriffs of the different counties in this territory, or some person deputised by them, being duly sworn for that purpose shall take in a list of all the free male inhabitants of their respective counties of the age of 21 years and upwards, and return a list thereof to the secretary of the territory on or before the first day of April, and for failure thereof shall be liable to a fine of 200 dollars recoverable before any court of record having competent jurisdiction, either by action of debt, information or indictment, and that the said sheriffs shall receive three cents per man to be paid out of the territorial treasury of any money not otherwise appropriated.

Resolved, further that the next general election for members to represent the several counties in the general assembly the free holders and others by law authorised, shall elect one representative for every 500 free male inhabitants of full age which the said respective counties shall be found to contain on the taking of such sensus.

The president having signed the last mentioned acts, they

were delivered to the committee for enrolled bill to be laid before the governor.

Mr. Bond from the committee for enrolled bills, reported that they had laid the last mentioned acts before the governor.

The act making appropriations for the ensuing year was read the 2d time, when mr. Fisher moved to amend the same by adding the following between the 5th & 6th lines 'to the attorney general 100 dollars for the ensuing year,' which passed in the affirmative—on motion, ordered that the rule be dispensed with, and that the same be read a 3d time to day, whereupon the same was read and passed as amended—ordered that the clerk inform the house of representatives thereof, and desire their concurrence therein,

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform the council, that they concur in the amendment made to the act making appropriations for the ensuing year, and then he withdrew.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed by the house of representatives to inform the council that they concur in the resolutions respecting fugitives from justice, and then he withdrew.

A message from the governor by general Gibson, secretary.

GENTLEMEN OF THE LEGISLATIVE COUNCIL, & HOUSE OF REPRESENTATIVES,

I have received the bill which you have passed entitled 'an act to alter and repeal certain parts of an act entitled a law to regulate county levies,' and I have approved and signed it with great pleasure. The abolishing the tax on neat cattle, & on young men will afford some relief to the poor and the farming interest. But I must again most strongly recommend to the two houses, to take off, or at least to lessen the tax upon work horses. If the other objects which are subject to county levies are not sufficient to meet the county expences (the compensation to the judges of the common pleas for instance) might with propriety be transfered to the territorial treasury. The average price of all the horses which are to be found in any county, will not, I am confident,

exceed 40 dollars, and for this forty dollars of capital 50 cents per annum is exacted, whilst a capital of 100 dollars in lands pays only 20 cents to the territory, and 10 cents to the counties. The tax on horses in Kentucky, is fixed, as I am informed at 9 cents— Let us emulate this wise example of our neighbors, and relieve the poorer classes of our fellow citizens from the intollerable burden that oppresses them.

WILLIAM H. HARRISON.

INDIANA TERRITORY, Oct. 26, 1808.

Mr. Bond from the committee for enrolled bills reported that they had examined the act making appropriations for the ensuing year, & find the same duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act making appropriations for the ensuing year, I am directed to lay it before the council for the signature of the president, and then he withdrew.

The president signed the last mentioned act, it was delivered to the committee for enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bills, reported that they had laid the last mentioned act before the governor.

The resolution to compel the collectors to pay the arrearages by them due was read and passed.

The resolution for printing the laws was read and passed.

Mr. Bond asked and obtained leave to bring in a bill concerning the collection of the territorial taxes on land in the counties of St. Clair and Randolph, which was read the first time—on motion, ordered that the rule be dispensed with, and that the same be read a 2d and 3d time to day, whereupon it was read and passed—ordered, that the clerk inform the house of representatives thereof and desire their concurrence therein.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives concur in the act concerning the

collection of the territorial tax in the counties of St. Clair & Randolph—they have entered into a resolution making compensation to the attorney general for his services for the last year, and then he withdrew.

The resolution making compensation to the attorney general for his services for the last year was read and passed—ordered that the clerk inform the house of representatives thereof.

The committee for enrolled bills reported that they had examined the resolution making compensation to the attorney general for his services for the last year—the resolution for collecting arrears—the resolution for printing the laws—and the act concerning taxes in St. Clair and Randolph counties, and find them duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, The speaker of the house of representatives having signed the resolution allowing compensation to the attorney general, I am directed to lay it before the council for the signature of the president, and then he withdrew.

The president having signed the last mentioned resolution it was delivered to the committee for enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bills reported, that they had laid the last mentioned resolution before the governor.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the resolution for collecting the arrears of taxes, and the resolution for printing the laws, I am directed to lay them before the council for the signature of the president.

The president having signed the last mentioned resolutions they were delivered to the committee for enrolled bills, to be laid before the governor.

Mr. Bond from the committee for enrolled bills reported that they had laid before the governor the last mentioned resolutions.

The bill to amend the act regulating elections, the bill regulating county levies, the act respecting the revised code, the bill

appointing a county treasurer, and the resolution for taking the sensus,[21] were laid over till the next session.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the act concerning the collection of the territorial tax on land, I am directed to lay it before the council for the signature of the president, and then he withdrew.

The president having signed the last mentioned act it was delivered to the committee for enrolled bills to be laid before the governor.

Mr. Bond from the committee for enrolled bill reported that they had laid the above mentioned act before the governor.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives have passed a resolution praying for a college township in the counties of Dearborn and Clark, to which they desire the concurence of the council, and then he withdrew.

The resolution praying for a college township for the counties of Dearborn and Clark was read and concurred in—ordered that the clerk inform the house of representatives thereof.

Mr. Fisher submitted the following resolution.

Whereas the house of representatives have thot' proper, without requesting the concurrence of the council, to instruct our delegate to congress, the joint representative of both houses to divide the territory, a subject highly important to our constituents it becomes us, under such circumstances not to be silent—therefore.

Resolved, that our delegate be, and he is hereby instructed to use his best exertions to prevent the division of the territory as premature and contrary to the wishes of a majority of the good people of the territory—which was read the first time, and yeas

[21] General Washington Johnston commented in his letter to his constituents: "A resolution was introduced into the House of Representatives by the member from Clark, and after much consultation passed, for taking the census of the Territory; it made its way to the Council thru' *fear and tribulation,* but there took a stand!!!" Vincennes *Western Sun,* November 12, 1808.

and nays being called upon the question, that the rule be dispensed with, & the same be read a 2d and 3d time to day, those in the affirmative were messrs. Bond & Fisher, in the negative mr. Jones.

Mr. Bond from the committee for enrolled bills reported, that they had compared the enrolled with the engrossed resolution respecting a college township for the counties of Dearborn and Clark, and find it duly enrolled.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, the speaker of the house of representatives having signed the resolution praying for a college township for the counties of Dearborn and Clark, I am directed to lay it before the council for the signature of the president, and then he withdrew. The president signed the above resolution.

A message from the house of representatives by mr. Jones, their clerk. Mr. President, I am directed to inform this house that the house of representatives having finished their legislative business, are now ready to adjourn, and then he retired.

The governor met both houses in the representatives chamber, and informed them that he had approved and signed the act concerning the collection of the territorial tax on land in the counties of St. Clair and Randolph; the act concerning executions; the act to amend an act entitled an act respecting crimes and punishments; and the act providing for the leasing the sections of land reserved for the use of schools, which originated in the legislative council—That he had approved and signed the following acts and resolutions which originated in the house of representatives, to wit: an act making appropriations for the ensuing year; and the act making compensation to the members of the legislative council & house of representatives, and to the officers of both houses for the present session; the resolution for printing the acts of the present session; and the resolution concerning the collection of the arrearages of tax—and that he had rejected the act to amend an act entitled an act regulating the admission and practice of attornies and counsellors at law, which originated in the house of representatives—He then by the authority vested

in him by the ordinance, dissolved the second general assembly of the Indiana Territory.[22]

[22] Harrison's power to dissolve the Legislative Council, the members of which held their office on appointment by the President, was brought into question by his political enemy, Elias McNamee. See McNamee to the President of the Senate, December 12, 1809, in Carter (ed.), *Territorial Papers,* 7:685. The Ordinance specifically granted the power of proroguing and dissolving the Assembly to the Governor. See *ante,* 111 and note.

RUMP SESSION

October 16-21, 1809

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY begun and held at the Town of Vincennes on Monday the sixteenth day of October one Thousand Eight Hundred & eight [nine] and of the Independence of the United States the Thirty fourth[1]

which being the day appointed by His Excely the Governor of the Territory for the meeting of the General Assembly the following members appeared and took their Se[ats][2]

[1] From manuscript Journal in Archives Division, Indiana State Library. The Journal for October 16 through October 18 is given in the Vincennes *Western Sun,* November 18, 25, 1809.

[2] The regular election of members to the House was held on April 3, 1809, in the counties remaining in Indiana Territory after Illinois Territory was cut off. John Johnson and General Washington Johnston were elected in Knox County. Vincennes *Western Sun,* April 15, 1809. For a discussion of the political significance of the Knox election, particularly as it related to slavery, see Dunn, *Indiana,* 385-87. Richard Rue was elected in Dearborn County. Dearborn County Election Returns, Indiana Historical Society Library. It is assumed that James Beggs was re-elected in Clark County at this time though no record has been found.

On April 4, 1809, Harrison issued a proclamation announcing the division of the territory (by act approved February 3, 1809, U. S. *Statutes at Large,* 2:514-16), and a reapportionment of the representatives, providing one additional representative for Knox, Clark, and Dearborn counties, and one representative for the new county of Harrison, and calling for an election to be held on May 22 to choose these additional members. Territorial *Executive Journal,* 154-55.

Popular election of the Legislative Council and of the territorial delegate to Congress was granted to the Territory by an act of Congress approved February 27, 1809 (U. S. *Statutes at Large,* 2:525-26). On April 10 Harrison issued another proclamation (Territorial *Executive Journal,* 155) dividing the territory into five districts each of which was entitled to elect one member of the Council, and ordered that the election of councilors and the Congressional delegate should be held on the same day as the election to choose the additional representatives.

At this election the following representatives were chosen: John Hadden, Knox County; John Work (or James Beggs?), Clark County; Ephraim Overman, Dearborn County; and Moses Hoggatt, Harrison County. Hadden did not appear during the session to claim his seat.

Council members elected were Solomon Manwaring, Dearborn

From	Dearborne	Richard Rue & Ephraim Overm[an]
"	Clark	James Beggs & John Work
"	Harrison	Moses Hoggat
"	Knox	Genl. W. Johnston & [John] Johnson

James Johnson Esquire[3] then administered to the members the necessary oath & affirmations of office

The House then proceeded to the choice of a Speaker when on counting the ballots there appeared for Genl. W. Johnston four votes for John Johnson Two votes and for James Beggs one Vote, where upon Genl. W. Johnston was declared duly Elected and was conducted to t[he] chair from whence he made acknoledgments to the House for the Honor confered on him & Mr. Johnson introduced the following Resolution

Resolved that it is as yet doubtfull whether a constitutional quorum of this House is formed,[4] but for the Sake [of] gaining information on the subject we will agree to meet the Legislative Council at one oclock P.M. Tomorrow for the purpose of Receiving the Governors communication a[nd] that the Clerk do inform the Legislative Council thereof[*]

County; Thomas Downs, Clark County; Harvey Heth, Harrison County; and William Prince and Luke Decker, Knox County. Prince's election was contested. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 133-34.

Jonathan Jennings was elected territorial delegate by a small majority over his closest rival, Thomas Randolph, candidate of the pro-Harrison faction. Vincennes *Western Sun,* May 27 and July 8, 1809; Carter (ed.), *Territorial Papers,* 7:655. His election was contested by Randolph but the national House of Representatives ruled in Jennings' favor. See documents relative to the election in *ibid.,* 7:651-55, 696-97, 697-703.

[3] James Johnson, father of John Johnson, was a judge of the court of common pleas of Knox County from 1800 to 1813. Territorial *Executive Journal,* 91-92, 193. He also served as territorial treasurer from 1805 to 1813, and as a judge of the court of general quarter sessions of Knox County from 1800 to 1806. *Ibid.,* 91-92, 129, 194.

[4] The act of Congress approved February 27, 1809, providing for the election of the Council and the territorial delegate, also granted to the General Assembly the power of apportioning the representatives among the several counties, and stated that there should not be more than twelve nor less than nine representatives. U.S. *Statutes at Large,* 2:525-26. The present House had only eight members and one of those failed to appear. See Harrison's message, *post,* 319-20.

On Motion Resolved that the House do concur in the fore-go[ing] resolution

Mr. Johnson introduced the following Resolution Resolved that a committee of Two be appointed as a Committee of Elections and that Messrs. Johnson & Beggs be that Committee

Mr. Johnson from the Committee of Elections made the following Report

That we find that Richard Rue is duly Elec[ted] from the County of Dearborne, and that Ephraim Overman likewise returned duly Elected from the same County, you[r] Committee also find that John Work and James Beggs are returned duly Elected from the County of Clark, you[r] Committee also find that Moses Hoggat is duly Elected from the County of Harrison, your Committee also find that Genl W Johnston and John Johnson are duly Elected from the County of Knox

On Motion Resolved that the House do concur in the report of the Committee of Elections

On Motion of Mr. Johnson Resolved that a Committee of three be appoint[ed] to examin the qualifycations of the members of this Hous[e] and to report there on by bill or otherwise where upon Messrs. Johnson Beggs & Rue was appointed that Committe

And then the House adjourned till Tomorrow morning Ten oclock

Tuesday morning 17th October 1809[*]

The House met according to adjournment

Mr. Beggs introduced the following Resolution

Resolved that the Resolution entered into yesterday for the purpose of receiveing the Governors Address be and the same is hereby recinded

On Motion Resolved that the House do concur in the foregoing Resolution

Mr. Beggs introduced the following Resolution

Resolved that the C[lerk] of this House do inform the Leg[isla]tive Council that this House have formed a quorum and are now ready to proceed to buisness

A message from the Legislative Council by Mr. Hurst their Clerk—Mr. Speaker I am directed to inform this House that the Legislative Councill have formed a Quorum and are now ready to proceed to buisness and then he withdrew

A message from the Legislative Council by Mr. Hurst their Clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they have appointed Mr. Prince as a Committee on their part to wait on his Excellency the Governor and inform him that a Quorum is formed and are ready to receive any communications he may have to make to them

On Motion Resolved that Mr. Overman be a Committee on the part of this House to act with the Committee appointed on the part of the Legislative Council to wait upon his Excellency the Governor and inform him that the Two Houses have formed a quorum and are now ready to receive any communications he may have to make to them, and that [the Clerk of] this House [do] [*] inform the Legislative Council thereof

On Motion Resolved that the Clerk do inform the Legislativ[e] Council that the seats to the right of the Speakers Chair [are] appropriated to the use of the members of the Legislative Council while receiving the Governors Address

whereupon the members of the Legislative Council entered the Representatives Chamber and being seated His Excellency the Governor escorted by the Joint Committee was conducted to [the] Speakers Chai[r] from whence he delivered the following address[5]

GENTLEMEN OF THE LEGISLATIV[E] C[OUN]CIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The happy change which has been effect[ed] in our constitution by the act of Congress which gives to the People the choice of the members of the Legislative Councill and the Delegate to Congress is a subject of felicitation to every Friend to the happyness and prosperity of the Territory This act is alone sufficient to prove the Parental care of our national Government and shews also, if other proofs were wanting, that the unfortunate devision

5 This message is printed in the Vincennes *Western Sun,* October 21, 1809.

of our late Territory could only be effected by a total misrepresentation of the interests and wishes of four fifths of our Citizens

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES, the Proclamation which convened you at this time, was not issued without some doubts of its propriety, arising from the different constructions which might be given to a clause in the act of Congress for extending the Rig[ht] of suffrage in this Territory and for other purposes by the act creating the Indiana Territory the apportion[ment] of the Representatives amongst the several Counties wh[ich] was not to exceed n[ine, nor be le]ss than seven, was[*] committed to the Governor, before the act of devision took effect, the House of Representatives was composed of seven members, but four of whome by the line of demarcation were left in this Territory, I thought it propper therefore to issue a Proclamation on the fourth of April giving to each of the three old Counties an additional member and to the new County of Harrison one also, after the Proclamation had been signed, but before it had left the office of the secretary, I received the first Intimation that a law was about to be passed by Congress, which amongst other provisions transfered the apportionment of the Representatives from the Governor to the Legislature and increased the number of members necessary to form a House from seven to nine, the Proclamation being in all respects compleated and considering the allowance additional members in the nature of a grant, and the law under which I acted giving me no Power to abrogate an act of this kind when once done, I did not think myself authorised to countermand the Elections which had been ordered, nor indeed did there appear to be any necessity for doing so upon an accurate examination of the law itself, which soon after reached me. The 4th section of the act does indeed give to the general Assembly the apportionment of the Representatives and declares also that there shall not be less than nine, but how was this to be done by the General Assembly, unless they were convened and how could a general Assembly be formed even under the old law without an[*] increas of the House of Representatives which by the division was reduc'd to four members, by the old law nine was to the greatest number allowed to the House of

Representatives and seven only had actually been appointed, now it is impossible to beleave that Congress had acted under the impressions that after having loped off what was consider'd one third part of the Territory that there would remain seven members in Indiana. Doccuments sufficient to shew the numbers of members which would remain were also at hand, as the proceedings of the Governor in his Executive capasity are biennially transmitted to the President, from all this it appears to have been the intention of Congress that a General Assembly should be conven'd under the old law Previously to the organization directed by the new, no other construction can be given to the section without rendering it altogather a nulity, the power given to the Governor in the 3rd section to apportion the members of the Council is also a strong Circonstance in favour of this construction under the authority of the old law he could organize a House of Representatives, but as Congress has determined to destroy the former council and as there could be no General Assembly without a council it was necessary to invest him with this power, or their intentions with regard to the subsequent organization of the House of Representatives could not have been effected and the Territory left without a Legislature. These are my views of the subject Gentlemen, but[*] should you differ with me in opinion. I would recommend that the Laws you m[a]y pass should not be suffered to go into operation untill application can be made to congress to confirm them

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The devision of the Territory has devolved upon you the unpleasant task of providing for a considerable defalcation of the revenue, but before any additional burdens are laid upon your constituents, every Possible retrenchment should be made in the expenditures of the Publick Money, if your labours to this effect should be insufficient to reduce the demands upon the Treasury, to a level with the receipts we have no other resource than that of increasing the Tax on lands, a further Tax upon any species of improvement would be highly impolitic and the odious

ca[pitation] Tax that appropriate emblem of an aristocratical Government ought on no account to be again resorted to, as the wealth of our Citizens consists almost exclusively of lands no tax can be more equil and Just than that which is levied on this species of Property, it ought in deed in my opinion to be the source from which with some trifling exceptions we should draw the whole of our revenue, it is impossible to make the tax upon Horses an equil one, because the expences of valuation would nearly absorb the whole amount, and reason and Justice revol[t] at the Idea of taxing the low priced animal whose labour provides the food for the family of the indigent Citizen, as high as the pampered Steed of the man[*] of pleasure or the costly courser of the sportsman not withstanding the present imbarrisments of our Treasury Gentlemen the prospect before us is far from being discouraging, the sales of the lands of the United States are daily adding to the mass from which we derive our revenue, and a late extinguishment of Indian Title to a learge and fertile body of land has laid the foundation for a great increase of wealth population.[6]

the organization and disciplin of our militia has for a considerable time engaged my unremitted attention, but the progress altho considerable has fallen far short of my wishes and of that state which promises effectual security to our exposed settlements

the law upon this subject is indeed extremely deficient and altho my recommendations for amendments have been as urgent and frequent as my respect for the Two Houses would allow, every attempt to procure them has hitherto failed,[7] I cannot suppose that those unfounded Jealousies of the accumilation of power in the hands of the Executive which have been propegated amongst the People with so much industry, and so little success have ever found admittance within these walls, altho not well informed as to their source, it is not impossible to beleave that they have a common origin with those unremitted exertions to excite our Indian neighbours to hostilities against us, that infamus policy which would kindle the fury of blood thirsty savages and direct

[6] By the treaty concluded by Harrison at Fort Wayne on September 30, 1809. See Esarey (ed.), *Messages and Letters,* 1:358 ff., 387-91.

[7] See *ante,* 163, 240-41.

it against our unoffending People, would not be too delicate to attempt by any means to paralise the force which[*] would defeat their machinations, it is the duty of it is the duty of every Republican to keep a watchful eye upon Those who are entrusted with reins of government, but it is no less his duty to give to them that confidence and support which is so assentially necessary to the proper discharge of their duties, no trouble or expence should be spared to procure the removeal of a bad officer, but every Citizen should be prepared to support the constituted authorities of his Country in every legal exercise of his functions.

The Territorial form of Government possesses some traits, which are not entirely reconcileable with Republican principles, and the commission with which I am honour'd is independent of the people. I am, however so perfectly convinced that their countenance and support are essentially necessary to the proper discharge of many important duties, as to have unalterably determined that the moment which brings a conviction that their confidence has been withdrawn, shall terminate my commission by a voluntary resignation. Such is the nature, Gentlemen, of Military affairs, that a great sacrifice of that liberty which is the boast of every American, becomes necessary even in the temporary assumption of the military habit, which our laws require of every able bodied citizen. The powers given to the commander in chief and other superior Officers should be commensurate to the great objects of the militia institution, that of forming by discipline and frequent training, a body of Citizen soldiers, which shall be equal to the defence of our country against every invader. By urging this subject upon you, Gentlemen, I wish it not to be understood that I have the least reason to complain of the want of military ardor amongst our citizens. The very reverse is the case. Spurning at the base suggestions of faction or treachery, which would divide them from their Government, I have ever found the sons of Indiana ready to rally round their Chief and obey the voice of their Country, convey'd to them by his orders at the expence of every personal consideration. I could indeed, relate instances of sacrifices in this way, which would gladen the heart of every patriot. But in a country of Laws, every thing which is susceptible

of it, should be regulated by law, and as little as posible left to construction and implication. The Codes of the several states, will furnish you, Gentlemen, with well digested militia systems. Let these be your guides. Do not subject your cons[t]ituents to more rigid rules than these prescribe. The powers given to the commanders in chief in the states, is necessary to be given here, or I cannot be answerable that the discipline of the Militia shall be such, as[*] the General Government looks for, and our exposed situation requires.

I have frequently call'd the attention of your predecessors, Gentlemen, to the situation of the Court of Chancery. My sentiments upon the subject will be found in my communication to the last General Assembly.[8] The recent termination of a long and fatiguing journey, into the Indian Country, has put it out of my power to notice some other matters of importance; they shall form the subjects of special communications. I am particularly charg'd by the President of the United States to recommend to you the passage of a Law, to prohibit the sale of ardent spirits to the Indians. The forcible and affecting language of the late President Jefferson, will best explain to you the wishes of the Government upon this subject. I will cause his letter to be laid before you.[9] But it may be proper in me to observe, that the experience of nine years has left a perfect conviction upon my mind that the humane and benevolent intentions of the Government in relation to the Aborigines, can never be accomplish'd as long as the means of indulgence in this fatal liquor is so easily obtained. By it is our progress arrested in every step. Whether our exertions are directed to teach them such of the arts of civiliz'd life as are adopted to their situation or to introduce amongst them the light of the Gospel & humanize their fierce souls by the mild precepts of Christianity. To use a figure of one of their orators, it resembles a mighty conflagration, which spreads death and destruction through their villages which none but the power that kindle'd is able to extinguish. It depends in a great

[8] *Ante,* 166.

[9] Jefferson to Harrison, December 31, 1808, printed in Esarey (ed.), *Messages and Letters,* 1:327-28.

measure on you, Gentlemen, whether the future Historian shall exempt Republican America from the just odium of having contributed her full share towards that destruction of the human species, which has hitherto mark'd the settlement of all the civilized nations amongst those, whom they call Savages. Whether the Indian villages in our neighbourhood shall exhibit to the traveller a scene of savage fury, of misery, and superstition, or the delightful spectacle of man in a state of progressive improvement in morals, the arts of civiliz'd life and above all, worshiping his Creator in the manner which he has himself prescribed. The state of Ohio, Gentlemen, has, on this subject, set you an example of obedience to the National Government, which I am persuaded you will not hesitate to follow.[10]

Permit me to recommend to you, Gentlemen, the cultivation of harmony, and a spirit of conciliation towards each other; Avoid local politicks and local prejudices. Let it[*] be the object of all to promote the interest of all. We have all the same interest and are I trust in pursuit of the same object, that of taking upon ourselves as soon as possible the habit of manhood and assuming our station in the National Councils.

Permit me to assure you of my hearty cooperation in any measure which may have this tendency, or which may otherwise promote the interest and happiness of your constituents.

WILLIAM HENRY HARRISON

INDIANA TERRITORY October 17th 1809.

Thereupon the members of the Legislative Council retired to their Chamber and His Excellency the Governor escorted by the Joint Committe likewise retired.

A message from the Legislative Council by Mr. Hurst their

[10] Harrison probably refers to the Ohio act approved February 11, 1809, which placed a fine of not more than $100 nor less than $5.00 on anyone selling or bartering intoxicating liquors to Indians within the state or helping convey them out of the state for the purpose of selling them to Indians. All articles received from the Indians in exchange for liquor were to be returned to the Indians. *Laws of Ohio,* 1808-9, pp. 180-81.

Clerk Mr. Speaker I am directed by the Legislative Council to inform this House that they have appointed Samuel Hayes Door Keeper to the Two Houses

On motion of Mr. Beggs Resolved that this House do concur with the Legislative Council in the appointment of Samuel Hayes as Door keeper to the Two Houses and that the Clerk do inform the Legislative Council thereof.

On motion of Mr. Beggs The House Resolved into a Committee of the whole House on the state of the Territory, after some time spent therein Mr. Speaker resumed the chair, and Mr. Work reported, that the Committee had, according to order, had the state of the Territory under consideration, and came to the following resolution thereupon, which he delivered in at the Clerks table, where the same was read as follows:

Resolved, that it is the opinion of this House that the proclamation of the Governor of the 4th of April of the present year, under which some of the present Members were elected, was highly proper and that this House concieves itself a legal constituted body and will consequently proceed to the business of Legislation

The House proceeded to consider the said resolution at the Clerk's table; and the same being again read, was, on the question put thereupon shall the House concur in the report of the Committe[*] of the whole House before the votes being taken Mr. J. Johnson moved for a Postponement of the final question thereon and the same being seconded was carried in the affirmative

Whereupon Ordered, That the final question on the said Report be postponed until tomorrow

The House again resolved itself into a Committee of the whole House on the state of the Territory; and after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Work reported, that the Committee had, according to order, had the state of the Territory under consideration, and came to the following resolution thereupon, which he delivered in at the Clerk's table; when the same was read as follows

Resolved, That it is the opinion of this Committee that a respectful address ought to be presented to the Governor of this

Territory in answer to his speech to both Houses of the Legislature delivered this day.

The House proceeded to consider the said resolution at the Clerk's table; and the same being again read, was, on the question put thereupon, agreed to by the House.

On motion Ordered that a Committee be appointed to draft the said address: and the same was appointed consisting of Messrs. J. Johnson & J. Beggs.

And then the House adjourned until tomorrow morning Nine OClock.

Wednesday October 18th 1809.

On motion of J. Johnson To reconsider the unfinished business of yesterday, to wit the concurrence of the House to the report of the Committee of the whole House and the same being taken was carried in the Negative.

Whereupon Mr. J. Johnson introduced the following Resolution.[*]

Resolved that, that part of the Governors communication which relates to the organization of the General Assembly and which was reported upon by a Committee of the whole House yesterday be recommitted to a select committee to consist of four members.

Ordered, that Messrs. J. Johnson, Rue, Overman, & Hoggatt be appointed a Committee pursuant to the said Resolution.

The Speaker laid before the House several Petitions of sundry Inhabitants of the Counties of Knox & Dearborn, in this Territory, whose names are thereunto subscribed Praying the General Assembly to use their utmost exertions to procure the Reappointment of William Henry Harrison as Governor of this Territory.

On motion Ordered, that the said Petitions do lie on the table.

The several orders of the day were farther postponed untill the afternoon

And then the House ajourned until four o'Clock P.M.

The House met according to Adjournment.

Mr. J. Johnson from the Committe to whom were refered so much of the Governors communication as relates to the organization of the General Assembly made the following Report

Your Committee state that [by] the law of Congress passed 7th day of May 1800 the Territory North West of the River Ohio was divided that the 4th section of said act provided how the Legislature in the Indiana Territory should be organized, and says "Whenever satisfactory evidence shall be given to the Governor thereof that such is the wish of a majority of the freeholders notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty one years and upwards; provided that until there shall be five thousand free male inhabitants of twenty one years[*] and upwards in said Territory the whole number of Representatives to the General Assembly shall not be less than seven nor more than nine, to be apportioned by the Governor to the several Counties in the said Territory agreeably to the number of Free males of the age twenty one years and upwards which they may respectively contain." On this law your Committee beg leave to observe as their opinion that when the Governor organized the Legislature and particularly the House of Representatives in the [year] 1805 he exercised the power vested in him and having once exercised this power and apportioned the members his authority in apportioning the members to the House of Representatives ceased, (at most he could only fill up the number of nine) and no act of his by dissolving the Legislature could vest him with new power to make a new apportionment of members to the House of Representatives Farther by the same law the power of the Governor in apportioning the members to the House of Representatives is stoped short so soon as there is a population in the Territory of five thousand free male inhabitants of the age of twenty one years and upwards then the apportionment is to be made under the Ordinance, that is one Representative for every five hundred, the Ordinance is in the following words, to wit, "Provided that for every five hundred free male inhabitants there shall be one Representative and so on progressively with the number of free male inhabitants shall the right of Representation increase until the number of Representatives shall amount to twenty five after which the number and proportion of Representatives shall be regulated by the Legislature." and there cannot exist a doubt

but what the population of the Territory before the division exceeded Five thousand and even now, this being the case under the above recited law and Ordinance the Governors Power of apportioning ceased, upon this score we are of opinion that the present apportionment and organization of the House of Representatives is of doubtful authority[*] nay if the Legislature is organized upon the old establishment that is under the law dividing the North Western Territory the Old Council ought to take their seats, but we are of opinion this cannot legally be done then under the existing confusion, the present Legislature is neither established upon the old or the new establishment it is kind of MULE between the two, and it is evident by the 4th section of the law of Congress extending the right of suffrage to the citizens of the Indiana Territory that Congress in saying that the Legislature or General Assembly (which includes the three different branches of the legislature) "shall have power to apportion the Representatives of the several Counties therein or which may hereafter be established therein according to the number of free white male inhabitants above the age of twenty one years and upwards: Provided that there be not more than twelve nor less than nine of the whole number of Representatives." Now from the return of the members elected to serve in the House of Representatives there are but Eight members elected, when the above law expressly says there shall not be less than nine nor more than twelve. Your Committee are therefore of opinion that under the existing circumstances that this House cannot constitutionally do any Legislative business, and that we are not legally organized. To say the most in favor of the present organization of the House of Representatives, it is of doubtful authority. We are further of opinion that under the existing confusion & doubt that it would be safe and prudent in this House to cease to do any further business, having first made a petition to Congress stating the [e]vil & praying for a law to be passed organizing our Legislature

1st: Resolved therefore that a petition be drafted and presented to Congress stating the difficulty that exists with regard to the organization of the General Assembly, and praying that a law may

be passed remedying the now difficulty[*] and that this House then adjourn without day.

JOHN JOHNSON Chairman
of the Committee[11]

On motion The House Resolved itself into a Committee of the whole on the foregoing resolution and after sometime spent therein Mr. Speaker resumed the Chair and Mr. Hoggatt reported that the Committee had according to order had the same under consideration and had refused their agreement thereto, to which rejection of the said report they desired the concurrence of the House and that they had came to the following resolution which he delivered in at the Clerks table;

Resolved, that it is the opinion of this House that the Proclamation of the Governor of the 4th of April of the present year, under which some of the present members were elected, was highly proper and that this House conceives itself a legal constituted body and will consequently proceed to the business of Legislation

The House proceeded to consider the said resolution at the Clerk's table; which being again read was on the Question Put shall the House concur in the foregoing report of the Committee of the whole House

On motion of Mr. J. Johnson who called for a division of the question.

The question then before the House was shall this House concur in the report of the Committee of the whole House on the report of the Select Committee And passed in the affirmative— yeas 4 Nays 3 The yeas and Nays being called for those who voted in the affirmative were Messrs. Beggs, Genl. W. Johnston, Overman & Rue, and those who voted in the Negative were Messrs. J. Johnson, Hoggatt & Work.

And on the further question shall this House concur in the report of the Committee of the whole House[*] which became by

11 Johnson expressed these same points in more detail in a letter to the citizens of Knox County published in the *Western Sun,* November 4, 1809.

the division thereof the second branch. It was carried in the affirmative—yeas 4 Nays 3 The yeas and Nays being demanded those who voted in the affirmative were Messrs. Beggs. G. W. Johnston Overman and Rue, & those who voted in the Negative were Messrs. J. Johnson, Hoggatt, and Work.

On motion The House proceeded by ballot to the appointment of a Clerk; and upon Counting the ballots there appeared for John Caldwell four votes and for William Jones three votes whereupon John Caldwell was declared by Mr. Speaker duly Elected, and thereupon the Oath of Office and the Oath to support the constitution of the United States was administered to him by James Johnson Esquire

And then the House adjourned until nine OClock tomorrow morning.

Thursday 19th October 1809.

A Petition of Samuel Berry and others, citizens of the County of Harrison in this Territory, was presented to the House, and read, Praying the Representatives of said County to use their utmost exertions to prevent the reappointment of William Henry Harrison as Governor of this Territory. Also a petition of Frederick Hoover and others, citizens of Dearborn County in this Territory, was presented to the house and read, praying the Representatives of said County to enquire into the official conduct of William Henry Harrison and if they find he has acted with propriety, to use their utmost exertions to procure his reappointment as Governor of this Territory. Also a Petition of Spier Spencer & others, citizens of Harrison County in this Territory, was presented to the House, and read, praying the Representatives of said County, to use their[*] utmost exertions to procure the reappointment of William Henry Harrison, as Governor of this Territory Also a Petition of Charles Dawson Senr. & others citizens of the County of Dearborn, was presented to the House, and read, Praying the Representatives of said County, to use their utmost exertions to procure the reappointment of William Henry Harrison, as Governor of this Territory

On motion Ordered that the aforesaid Petitions do lie on the Table

On motion Resolved, that the former Clerk of this House do deliver to the present one, all the books and papers appertaining to his office.

Mr. J. Johnson from the Committee to draft an answer to the Governor's address reported the following which he delivered in at the Clerk's table, which was read & agreed to as follows.

SIR This House has received your address with some degree of satisfaction, and with you think there is a considerable doubt with regard to the "Propriety" in issuing your Proclamation ordering the election for the members to constitute the house of Representatitves: But we will cordially cooperate with you in adopting the most prudent plan to obviate this doubt, as we verily believe it would be the hight of imprudence to proceed to Legislate when there is a doubt of the constitutionality of our meeting to proceed to Legislative business any further than what seems clearly warranted by the constitution.

We agree with you that there is a great defect in our revenue system and we assure you that so soon as all doubts are removed of our Legality to legislate on the subject we will make use of our utmost exertions to remedy this pressing evil, we believe that it is all important to the existance of a Government that Public credit should be[*] supported, at least the public credit ought to be as go[od] as the credit of our most respectable private citizens which is not now the case.

We feel highly gratified at the late extinguishment of Indian Claim to a considerable tract of fertile Country as it will be one mean of enableing the Territory to soon step into the Union and assume the desirable office of self Government an offic[e] which the Genius of Liberty inspires every American with a desire to assume.

As to the other subjects contained in you[r] Address due attention shall be paid to them by this House

On motion Resolved, that a Committee of two be appointed to wait upon his Excellency the Governor and know of him at what

time and place it would be convenient for him to receive the answer of this House to his Address delivered to both Houses at the present session. And the same was appointed, consisting of Messrs. Beggs & Overman

Mr. Beggs from the Committee appointed to wait on the Governor and know at what time & place he would receive the answer of this House to his address delivered to both Houses of the Legislature at the present session

Reported that the Committee had, according to order performed that service, and that the Governor signified to them that he would receive the answer at one OClock P.M. of this day, and that for the convenience of the House, he would receive it in the Territorial Secretary's Office.

On motion Mr. J. Johnson offered the following Resolution

Whereas doubts do exist as to the constitutionality of the organization of the General Assembly and particularly to the organization of this House, and as Congress is the only sovereign power to remove these doubts.

Resolved, therefore that a Committee of five members be appointed to draft a memorial[*] to Congress praying that a law may be passed making provisions, for the present dificulty and doubt. and the same was appointed consisting of Messrs. J. Johnson, Rue, Beggs, Overman, & Hoggatt.

On motion Ordered, that this House will wait on the Governor at one OClock this day, to deliver the answer of this House, to the address which he delivered to both Houses of the Legislature, at this present session

The House having waited upon the Governor according to order, he returned to them the following answer

"Mr. Speaker and Gentlemen of the House of Representatives

If there still exists doubts on your minds upon the propriety of Proceeding to Legislate it will certainly meet my entire approbation that such a course should be persued as would remove them in the mode the most easy, the most appropriate and the best calculated to secure the rights of your constituents.

I think it however proper to observe that as the Representative of the United States I am free to declare that your powers to Legislate are as complete as they could make them

WILLIAM HENRY HARRISON"

INDIANA TERRITORY 19: October 1809"

The several orders of the day were farther postponed until tomorrow

And then the House adjourned until tomorrow morning at nine O'Clock

Friday 20: October 1809.

Mr. Speaker delivered in at the Clerks table his protest against the answer of this House yesterday to the Governors address delivered to both Houses of the Legislature at this present session, which protest was read, as follows,[*]

"GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

Twice has this House solemnly and under the sanction of their obligation decided that they were legally and properly organized and would *therefore* proceed to Legislative business—but yesterday, much to my surprise, did you *compel* me as your Speaker to reply in answer to His Excellency the Governors address to the two Houses, that you were not a legal or properly Organized body—such flat and absurd contradictions as the above, I can never consent to as a member of this House, nor by remaining silent even induce a presumption of Guilt. I therefore think it proper & highly necessary & Justifiable in me, and I do hereby enter my most solemn PROTEST against the said ANSWER: and I do hereby request that this my Protest may form a part of the Journals of this House."

"Representatives Chamber 20th October 1809.

GENL. W. JOHNSTON Speaker
of the House of Reps."[12]

[12] In a letter dated October 28, 1809, published in the Vincennes *Western Sun* of November 4, 1809, Johnston wrote that it was considered by a minority of the members that the legislature was not legally organized, and that it was finally concluded after five days by both houses "that, in order to *quiet* the *consciences* of the minority" that a memorial

A petition of Joseph Bowman and others, citizens of the County of Clark in this Territory, was presented to the House, and read, praying the Legislature, that if the said County of Clark should be divided, that it may not be divided in such a way as to occasion a removeal of the seat of Justice from Jeffersonville the present County seat.

On motion Ordered that the foregoing Petition do lie on the table.

Mr. J. Johnson from the Committee who were appointed to draft a memorial to Congress Praying that a law[*] may be passed making provisions for the present dificulty & doubt reported as follows.

To the Senate and House of Representatives in Congress Assembled the Petition of the Legislative Council and the members elected to serve in the House of Representatives, Humbly shew and Pray

That from a careful review of the law of Congress dividing the North Western Territory, The Ordinance for the Government of the Indiana Territory, The law of the Territory regulating Elections, & The law of Congress extending the right of suffrage to the citizens of the Indiana Territory. We find that considerable doubts exists in the minds of a minorty of your Petitioners with respect to the constitutionality of the meeting of the General Assembly of this Territory. Your Petitioners state that in the year 1805, there was a Legislature Organized under the first above mentioned law dividing the Territory North West of the River Ohio that on the 26th day of October in the year 1808, The Governor dissolved the said Legislature on the [3d] day of [February] in the year 1809, the Law of Congress passed dividing the Indiana Territory, And that on the 4th day of April 1809, the Governor of the Territory issued his proclamation, for the Election of the additional members to the House of Representatives Also on the [27th] day of [February] 1809, the law passed

[*] should be sent to Congress "praying that sage and august body (in whom its said is concentered the wisdom of United America) to *explain themselves.*"

extending the right of suffrage to the citizens of Indiana, & declaring how the Legislature shall be formed after the passage of the said Law. That is that the General Assembly should apportion the[*] members to the House of Representatives to consi[s]t of not less than nine nor more than twelve. This law was evidently predicated upon the principal that a Legislature was in existance at the time of it's passage, or that a Legislature might be convened under the authority of the Governor's Proclamation, but the fact was different for the old Legislature was doubly disolved (if the expression may be allowed) first by the Governor as above stated, secondly by the division of the Territory which struck off three members of the House of Representatives, and two of the Legislative Council thus there was no Legislature in being to make the apportionment agreeably to the said act of Congress

Now the principal doubt that exists in the minds of your Petitioners is how the Old Legislature was to be brought into being so as to organize the new Legislature under the act of Congress as above stated. On the first Monday of April 1809, the Governor by his proclamation directed an election to be held for members to the House of Representatives, at which election there were four members elected, to wit two in the County of Knox, one, in the County of Dearborn & one in the County of Clark,[13] on the 4th of April 1809. (six days before the above law of Congress arrived here) the Governor issued his writs of election for an election to be held on the 22d of May for five Councellors and four more Representatives, having himself made the apportionment; he gave an additional member to the County of Knox, one to the County of Dearborn one to the County of Clark & one to the new County of Harrison, making in the[*] whole, only Eight members in the House of Representatives, under these dubious circumstances the Governor issued his Proclamation convening on the 16th of the present month October the members Legislative Council elected as above stated, and the members

[13] No proclamation was necessary for the election held the first Monday of April. The 1807 law regulating elections provided for biennial elections for representative on that date. Philbrick (ed.), *Laws, 1801-9,* p. 390.

elected as aforesaid to serve in the House of Representatives. Agreeable to the aforesaid Proclamation the Legislative Council & the members elected to the House of Representatives convened & the minority not concieving themselves authorised to go on to Legislative business, the Legislature agree'd to postpone doing any business in a Legislative Capacity, except apportioning an additional member to make up the number nine agreeably to the said act of Congress extending the right of suffrage to citizens of this Territory.

From this view of the subject your petitioners Humbly pray that a law may be passed either legalizing the proceeding as above stated so that the Legislature may go on to do Legislative business at the time to which the Legislature may be prorogued or Adjourned or if Congress should doubt of their authority, to legalise the above proceedings, upon the ground of the law's having an Ex post facto operation, then to pass a law authorising expressly the Governor to Organize the Legislature upon any plan which to you may seem proper.

Where upon on motion The House resolved itself into a Committee of the Whole House on the foregoing memorial and after some time spent therein Mr. Speaker resumed the Chair and Mr. Overman reported that the committee had, according to Order, had the said memorial under[*] consideration, and had came to the following resolution thereupon, which he delivered in at the Clerk's table, where the same was read as follows:

Resolved, that three Copies of the foregoing memorial be made out by the Clerk, to be signed by the Speaker of this House, and by the President of the Legislative Council, one of which shall be forwarded to the Speaker of the House of Representatives of the United States, one to our delagate in Congress, and the other to His Excellency the Governor of this Territory .

The House proceeded to consider the said memorial and Resolution thereupon at the Clerk's table; and the same being again read, were, on the question severally put thereupon agreed to by the House.

On motion Ordered, that the Clerk of this House, make out

a copy of the aforesaid memorial immediately, and carry the same to the Legislative Council and desire their concurrence thereto.

On motion Mr. Beggs introduced the following Resolution.

Whereas, by a resolution passed by a majority of the House of Representatives, on the 18th instant, it was declared that the said House of Representatives was a legally constuted body and fully invested with all the powers of Legislation, and altho: this House can never believe that an Act of Congress passed with the ostensible view of extending the powers of the Legislature could ever be intended to abrogate and annul the important right which the people of this Territory possess of having a Legislature, a construction of this kind being equally obnoxious to the honor of that August body (who have ever manifested a parental care over us) and to the rights and priviledges of our constituents—But whereas the decision given to the before mentioned resolution[*] was not as unanimous as could be wished from the important nature of the subject, and the majority being desirous to evince towards their brethren a spirit of accomadation and conciliation, Protesting, at the same time, most solemnly against any construction of the Resolution now adopted into a belief that this House will ever admit that the Congress of the United States possesses the power either directly or indirectly to destroy the right which the people of Indiana possesses of having a Representative Legislature.

Therefore Resolved, that a Committee of one member be appointed to wait upon the Governor and request him to prorogue the Legislature until the 2d monday of march 1810. and that the Clerk of this House do inform the Council thereof and request their concurrence thereto; and request the appointment of a similar Committee on their part.

The several orders of the day were farther postponed until the after-noon.

And then the House adjourned until 3 Oclock. P.M.

The House met according to adjournment.

A message from the Legislative Council by Mr. Noble their Clerk. "Mr. Speaker I am directed by the Legislative Council to inform this House, that they have come to a Resolution to re-

quest the Governor to Dissolve the present Legislature, and to proceed as speedily as may be to organize another Legislature under the provisions of the act of Congress extending the right of suffrage to the Indiana Territory, to which they desire the concurrence of this House," and then he withdrew

On Motion The House resolved itself into a Committee of the whole House, on the Resolution from the Legis-[*]lative Council, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Hoggatt reported that the Committee had according to order, had the foregoing resolution under consideration, but not having time to go through the same, had directed him to move the House, for leave to sit again on the said resolution.

Resolved that this House will, tomorrow resolve itself into a Committee of the whole House on the said Resolution.

On motion Mr. Beggs introduced the following Resolution;

Resolved, that a Committee of Six members be appointed to prepare & report a Bill for the apportionment of the members to the House of Representatives

Ordered, that Messrs. Beggs, Hoggatt, J. Johnson, Work, Overman & Rue, be a committee pursuant to the said resolution.

On motion of Mr. Overman The House resolved itself into a Committe of the whole House, on the state of the Territory, and after some time spent therein, Mr. Speaker resumed the Chair and Mr. J. John Johnson, reported, that the Committee had, according to order, had the state of the Territory under consideration, and had came to the following remonstrance thereupon, which he read in his place, and afterwards delivered in at the Clerk's table, as followeth

"Whereas from the Collision of Laws, and other circumstances, doubts are entertained by the minority of the Legislature on the constitutionality of its organization and the Majority from a spirit of Conciliation having thought it most prudent, not to proceed to any other act of Legislation, than the apportionment of thier members under the last act of Congress, but from a knowledge of the wishes of their constituents by Petitions, as well as from other[*] sources of information and from a wish to express their own sentiments on the crisis of their Government which is

now approa[c]hing, viz, the appointment of Governor of our Territory whilst they are anxious to avoid the appearance of inconsistency by doing any act, which might bear the shadow of a Legislative act, they cannot forbear from recommending *to* and requesting *of* the President and Senate, most earnestly, in their names, and the names of their constituents, the reappointment of our present Governor, William H. Harrison

Because they are sensible he possesses the good wishes and affection of a great majority of his Fellow Citizens, because they believe him sincerely attached to the Union, the prosperity of the United States and the administration of its Government, because they believe him in a superior degree capable of promoting the interest of our Territory. From long experience and laborious attention to our general concerns, from his influence over the Indians and his wise and disinterested management of that department, and because they have confidence in his virtue, talents and Republicanism, Therefore, they earnestly request the concurrence of the members of the Council to this recommendation

Resolved, that three copies of the above remonstrance be made out by the Clerk, which shall be signed by the Speaker of this House, and by the President of the Legislative Council, one whereof shall be by the Speaker forwarded to the President of the United States, another to the President of the Senate of the United States, and the other to our Delegate in Congress"[14]

The House proceeded to consider the said remonstrance at the Clerk's table; which being again read, was, on the question put thereupon agreed to by the House.

[14] Other resolutions and memorials praying the reappointment of Harrison were forwarded to Washington. See, for example, one drawn up at a meeting of the officers of the militia in Knox County, in Esarey (ed.), *Messages and Letters,* 1:385-87; and another from Harrison County, in Carter (ed.), *Territorial Papers,* 7:710-11. A dissenting note appeared in another petition from citizens of Harrison County who opposed the Governor's reappointment because of his proslavery stand (*ibid.,* 7:703-4); and in one from Clark County which declared his conduct showed "that his principles are repugnant to the Spirit of *Republicanism,*" particular reference being made to his sanctioning the act of 1805 permitting the introduction of negroes into the Territory (*ibid.,* 7:705-7).

The several orders of the day were farther postponed until tomorrow

And then the House adjourned until tomorrow Morning nine oclock[*]

Saturday 21st of October 1809.

Mr. J. Johnson from the Committee, appointed to prepare & report a Bill for the apportionment of the members to the House of Representatives, presented, according to order, a Resolution apportioning the members of the House of Representatives which received and read,[15]

On motion The House resolved itself into a Committee of the whole House, on the said Resolution; and after some time spent therein, Mr. Speaker resumed the chair and Mr. Beggs reported, that the Committee had, according to order, had the said Resolution under consideration, and made some amendmendments thereto, which he delivered in at the Clerks table, where the same was again twice read, and agreed to by the House. Ordered, that the said Resolution, with the amendment, be now engrossed, & read the third Time.

The said engrossed Resolution, as amended, was accordingly read the third time.

Resol[v]ed, that the said Resolution do pass, and that the title be "A Joint resolution for the apportionment of the members to the House of Representatives of the Indiana Territory."

Ordered, that the Clerk of this House do carry the said resolution to the Legislative Council, and desire their concurrence.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the Resolution of the Legislative Council, to request the Governor to dissolve the present Legislature & after some time spent therein, Mr. Speaker resumed the Chair and Mr. Hoggatt reported, that the Com-

15 The resolution is printed in Ewbank and Riker (eds.), *Laws, 1809-16*, p. 767. It provided that the House should consist of nine members, three from Knox County, three from Dearborn, two from Clark, and one from Harrison. Congress, however, placed the right to apportion the membership of the House back into the hands of the Governor for the time being. See note 16 below.

mittee had, according to order, had the said resolution under consideration, & had made an amendment thereto, which he delivered in at the Clerks table; where said Resolution as amended was again read, as followeth:

"Whereas great doubts exist as to the constitutionality of the present Legislature's proceeding to do any Legislative act more than to apportion the members of the House of Representatives under the act of Congress extending the right of suffrage to the Indiana[*] Territory—And the said Legislature having made such apportionment.

Therefore be it resolved, that the Governor of the Territory be and he is hereby requested to Dissolve the present Legislature, and to proceed as speedially as may be to organize another Legislature under the provisions of the said Act of Congress." was, on the question put thereupon, agreed to by the House,

Ordered that the Clerk of this House do carry the said resolution with the amendment, to the Legislative Council and desire there concurrence thereto.

A message from the Legislative Council by Mr. Noble their Clerk. "Mr. Speaker I am directed by the Legislative Council to inform this House, that they have refused to concur in the Resolution requesting the Governor to Prorogue the Legislature until the 2d Monday in March 1810, & which originated in the House of Representatives, that they have concured in the Joint Resolution, & also in the amendment by this House to the Resolution which originated in the Council for dissolving the Legislature and that the have made some amendments in the memorial to Congress which originated in this House to which they desire the concurrence of this House" and then he withdrew.

Whereupon on motion, The House proceeded to consider the amendments proposed by the Legislative Council to the "Memorial to Congress" to wit after the word Minority "of the House of Representatives," & also to wit, after the word passed, "Legalizing the above apportionment so that a Legislature may be organised under the present law of Congress extending the right of suffrage to Indiana so soon as the Governor of this Territory may be officially informed of the same."

Ordered that this House do concur in the aforesaid amendments made by the Legislative Council, & that the clerk of this House do inform the Legislative Council thereof.

A message from the Legislative Council by Mr. Noble their[*] Clerk, "Mr. Speaker I am directed by the Legislative Council to inform this House that they have concured in the remonstrance to Congress for the reappointment of William Henry Harrison as Governor of this Territory, & then he withdrew."

On motion & seconded, Resolved that a Committee be appointed, on the part of this House, in conju[n]ction with such committee as may be appointed on the part of the Legislative Council, to wait on the Governor & request his approbation to the Joint resolution of both Houses for the apportionment of members to the House of Representatives, & also to inform him that both Houses have passed a Resolution soliciting him to dissolve the present legislature.

Ordered that Mr. Hoggatt be the Committee on the part of this House pursuant to the aforesaid Resolution & that the Clerk of this House do carry the said Resolution to the Legislative Council & desire there concurrence thereto.

The Inrolled with the engrossed Joint Resolution of both Houses, for the apportionment of members to the House of Representatives: The Memorial to Congress: And the remonstrance for the reappointment of Governor Harrison, being examined in open House & found to be truly inrolled:

Thereupon Mr. Speaker signed them severally.

Ordered that the Clerk of this House do carry them to the Legislative Council & request the signature of their President.

A Message from the Legislative Council by Mr. Noble their Clerk, "Mr. Speaker the Legislative Council have concured in the resolution for the approbation of the Governor to the Joint resolution of both Houses; for the apportiment of members, & requesting him to dissolve the Legislature, & have appointed Mr. Downs a Committee on their part pursuant to the said resolution" & then he withdrew.

Mr. Hoggatt from the Committee appointed to wait on the[*] Governor for his approbation, to the Joint resolution of both

Houses for the apportionment of members to the House of Representatives & that he would dissolve the present Legislature, reported that the Committe had according to order performed that service & that the Governor would meet the two Houses, in the Representatives Chamber at half past five O'Clock this evening.

A message from the Legislative Council by Mr. Noble their clerk "Mr. Speaker, I am directed by the Legislative council to inform this House, that the President thereof hath signed the memorial to Congress:[16] the Remonstrance to Congress for the reappointment of William Henry Harrison of this Territory The Joint resolution of both Houses for the apportionment of members to the House of Representatives," and then he withdrew

Whereupon the Governor appeared escorted by the Joint Committe and conducted to the Speakers Chair, and the members of the Legislative Council having previously assembled in the Representatives Chamber, the Speaker of the House of Representatives & the president of the Legislative Council presented the Joint Resolution of both Houses for the apportionment of members to the House of Representatives, for his *Royal* signature,

And thereupon His Excellency the Governor, addressed both Houses as follows,

"GENTLEMEN OF THE HOUSE OF REPRESENTATIVES & GENTLEMEN OF THE LEGISLATIVE COUNCIL I have this day signed a Joint resolution of both Houses for the apportionment of members to the House of Representatives, which originated in the

[16] The memorial was presented to the U.S. House of Representatives on November 28, and referred to a select committee of which Jonathan Jennings was a member. The committee reported a bill which was passed and approved December 15, 1809, which gave the Governor of Indiana Territory, for the time being, power to apportion the representatives of the Territory, in order to form a legislature. However, as soon as a legislature was convened, the number of representatives in each county was to be regulated by the Assembly. It was also provided that when for any reason a vacancy occurred in the Legislative Council or delegation to Congress, the Governor should call an election to fill the vacancy. *Annals of Congress,* 11 Congress, 2 session, pt. 1: 683, 694, 695, 701, 716; U.S. *Statutes at Large*, 2:554-55. See Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 171-72, for the act passed by the Assembly in 1810 apportioning the representatives.

House of Representatives, Gentlemen of the Legislative Council & Gentlemen of the House of Representatives,

I have considered your request for a dissolution of the present Legislature with all the attention, the importance of the subject demands & the shortness of the time allowed to form an opinion would permit. It has ever been my wish to assimilate, as far as posible, the Government of the Territory to those which prevail in the states. To conceal those rough features of our constitution, which are so justly offensive to Republican delicacy, & which nothing but the infancy of our political[*] state renders tolerable. Of this description, is the power given to the Governor to prorogue & dissolve the Legislature, at pleasure. An application of the people themselves, or their Representatives, forms one of the few occasions, on which I would consent, to use this power, & altho the propriety of the measure, at this time, is not altogether apparent to my mind, yet, yet in compliance with your wishes, I have thought proper to determine & do now declare that this present Legislature is from this moment dissolved, & the powers delegated to it by the people, again revert to them. I have only to add my wishes for a safe & happy return to your respective families.

THIRD GENERAL ASSEMBLY
FIRST SESSION

November 12—December 19, 1810

[On the 21st of February, 1810, Harrison issued an election proclamation in accordance with the laws passed by Congress in February and December, 1809, apportioning nine representatives in the Territory as follows: 3 from Dearborn County, 3 from Knox, 2 from Clark, and 1 from Harrison. One councilor was granted to each county save Knox which was granted two. Elections for representatives and councilors were held in the various counties on April 2.[1] The following were elected to the Council: James Beggs, Clark County; Solomon Manwaring, Dearborn County; John Harbison, Harrison County; and William Jones and Walter Wilson, Knox County. Members elected to the House were: John Paul and Thomas Downs, Clark County; Richard Rue, Ephraim Overman, and John Templeton, Dearborn County; Dennis Pennington, Harrison County; and Peter Jones, John Caldwell, and General Washington Johnston, Knox County.

[The election for representatives in Knox County had been close: Peter Jones, 185; John Caldwell, 167; General W. Johnston, 164; John Johnson, 162; John Hadden, 159; and George Leech, 152, the three receiving the highest number of votes winning seats.[2] Johnson contested the election of Johnston, and Johnston in turn contested Caldwell's election. The judgment resulted in Caldwell and Johnston retaining their seats. The Assembly voted allowances to Newton E. Westfall, Luke Decker, George Leech, and William Prince for services rendered to the examining court.[3]

[The Assembly met in Vincennes on November 12 in accordance with the proclamation issued by the Governor on September

[1] Territorial *Executive Journal,* 155, 158-59; U.S. *Statutes at Large,* 2: 525-26, 554-55.

[2] Vincennes *Western Sun,* April 7, 1810.

[3] Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 119-20.

28.[4] Very little of the records of its proceedings has survived, though the members took pains to pass a joint resolution that the Journals of both Houses should be printed in the *Western Sun,* and that when this was completed the editor was to be allowed fifty dollars. But the editor, Elihu Stout, ran into difficulties in the winter of 1810-11. First his supply of paper ran out. He cut the size of his sheet and then for five weeks was forced to suspend publication entirely. On December 8, the date that publication was resumed, he assured his patrons that he had made arrangements that guaranteed him a constant supply. Then a month later, on January 5, 1811, he announced: "From the impossibility of procuring assistance, the Editor is under the painful necessity of informing his readers, that until he can finish the printing of the laws, the Western Sun will only be printed once in two weeks." However, he was not even able to keep to this schedule. No *Sun* appeared between January 5 and June 8, and no Journals of the 1810 Assembly ever found space in his paper. The issue of December 8, 1810, contained Harrison's message to the Assembly and the June 8 issue a letter from General W. Johnston to the citizens of Indiana concerning the work of the Assembly, both given hereafter.

[Officers for this session were Henry Hurst, clerk of the Legislative Council; James Noble, clerk of the House of Representatives; George R. C. Sullivan,[5] assistant clerk of the House; and John McCandless,[6] doorkeeper.

[4] Territorial *Executive Journal,* 164-65.

[5] Sullivan also served as clerk of the Legislative Council in its sessions from 1811 until 1815. He came to Indiana from Kentucky. One source says he was related to Elihu Stout, editor of the *Western Sun.* He married Helen Van der Burgh, daughter of Judge Van der Burgh, in 1813. He was commissioned clerk and recorder for Warrick County on April 1, 1813, but apparently refused to serve since Nathaniel Claypool was appointed to the same office a few days later. Territorial *Executive Journal,* 192, 193. He served as representative from Knox County in the state legislature for two sessions and from Knox and Sullivan counties for one session. He later removed with his family to Quincy, Illinois. *History of Knox and Daviess Counties,* 196.

[6] McCandless was also serving as sheriff of Knox County. He was appointed April 5, 1810, to succeed Parmenas Beckes, resigned, and served

[A series of resolutions and memorials was passed by this Assembly.[7] One of them requested Congress to pass an act permitting the popular election of sheriffs in the counties of the Territory. It was read in the U. S. House by the territorial delegate, Jonathan Jennings, on January 2, 1811, and referred to a select committee headed by him. A bill authorizing the election of sheriffs, introduced by the committee, was passed by the House, but was rejected by the Senate.[8]

[A second memorial requested from Congress a donation of land on which to locate a new capital for the Territory.[9] It was generally conceded that following division it was necessary to remove the seat of government from Vincennes to a site nearer the geographical center of the area remaining as Indiana Territory. The Assembly passed an act appointing commissioners to fix upon a site for the capital on the public lands within a certain area of the tract ceded by the Indians at Fort Wayne in 1809; provided, that Congress donate or grant pre-emption rights to the site chosen. This memorial was read in the U. S. House on January 7, 1811, and referred to the Committee on Public Lands. No outright donation was made, but the committee reported on January 23, "that provision ought to be made . . . for the sale of four quarter sections of land in Indiana Territory to the Commissioners appointed to fix the permanent seat of Government therefor, in trust, for the use of the said Territory, at the same price for which other public lands are sold." The bill presented to this effect was passed and approved, February 25, 1811.[10]

[A third memorial to Congress prayed the establishment of a land office at Brookville. It was referred to the Committee on

until his death in 1811. Territorial *Executive Journal,* 159; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 853n.

[7] These are given in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 772-83.

[8] *Annals of Congress,* 11 Congress, 3 session, 131, 294, 349, 351, 481, 897, 938.

[9] Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 772-74.

[10] *Annals of Congress,* 11 Congress, 3 session, 508 747-48; U.S. *Statutes at Large,* 2: 649. See *post,* 361, for General W. Johnston's comment on this matter, and *post,* 377n, 429-30n, for developments in the location of the seat of government.

Public Lands of the U. S. House on January 21, 1811. The report made thereon, on January 23, closed with a resolve that the prayer of the memorial should not be granted.[11]

[A fourth memorial prayed the relief of certain land purchasers. It likewise was referred to the Committee on Public Lands on January 21. The report on the 23d, that the petition ought not be granted, was concurred in by the House.[12]

[A resolution was also passed to the effect that the territorial delegate in Congress be instructed to obtain an extension of suffrage in the Territory, giving the right to vote to all male citizens, twenty-one years of age or over, who had paid either a county or territorial tax previous to any general election. The resolution was read in the U. S. House on January 24, and an act granting suffrage on the basis requested plus a requirement of a year's residence in the Territory was passed and approved on March 3, 1811.][13]

DOCUMENTS PERTAINING TO 1810 SESSION

Message of the Governor, November 12, 1810[14]

Gentlemen of the Legislative Council, and of the House of Representatives.

The length of time which has elapsed since the territory has had the advantage of a Legislature, makes a meeting with you at this time particularly agreeable to me. I know not, indeed, of any great injury which our citizens have sustained for the want of Legislative aid, but there are some subjects which could not much longer remain unattended to without producing inconvenience.—Some of these, I shall notice in my present address, and others will form the subjects of future special communications.

Presenting as we do, a very extended frontier to numerous and

11 The report is printed in Carter (ed.), *Territorial Papers,* 8:104-5.

12 *Annals of Congress,* 11 Congress, 3 session, 672, 748; *American State Papers, Public Lands,* 2: 256-57.

13 U.S. *Statutes at Large,* 2:659.

14 This message is taken from the Vincennes *Western Sun,* December 6, 1810. The message is also printed, with little variation, in Dawson, *Harrison,* 164-72, and in Esarey (ed.), *Messages and Letters,* 1:487-96.

warlike tribes of the aborigines, the state of our relations with them must always form an important and interesting feature in our local politicks. It is with regret, that I have to inform you, that the harmony and good understanding which it is so much our interest to cultivate with these our neighbors, have for some time past experienced a considerable interruption, and that we have indeed been threatened with hostilities by a combination formed under the auspices of a bold adventurer, who pretends to act under the immediate inspiration of the Deity. His character as a Prophet would not, however, have given him any very dangerous influence, if he had not been assisted by the intrigues and advice of foreign agents; and other disaffected persons who have for many years omitted no opportunity of counteracting the measures of the government with regard to the Indians, and filling their naturally jealous minds with suspicions of the justice and integrity of our views towards them.

The circumstance which was laid hold of to encourage disaffection on the late occasion, was the treaty made by me at Fort Wayne, in the autumn of the last year.[15] Amongst the difficulties which were to be encountered to obtain those extinguishments of title, which have proved so beneficial to the Treasury of the United States, and so necessary as the means of increasing the population of the territory, the most formidable, was that of ascertaining the tribes which were to be admitted as parties to the treaties. The subject was accordingly discussed in a lengthy correspondence between the government and myself, and the principles which were finally adopted, were made as liberal towards the Indians, as a due regard to the interests of the United States would permit.

Of the tribes which had formed the confederacy in the war which was terminated by the peace of Greenville, some were residents upon the lands which were in possession of their forefathers at the time that the first settlements were made in America by white people, whilst others, which were emigrants from distant parts of the continent, had no other claim to the tracts they

[15] The treaty was concluded on September 30, 1809. It is given in Kappler (ed.), *Laws and Treaties,* 2:101-2.

occupied, than what a few years residence, by the tacit consent of the real owners could give.—Upon the common and general principles, the transfer of the title of the former description would have been sufficient to vest in the purchaser the legal right to lands so situated.—But in all its transactions with the Indians, our government has not been contented with doing that which was just only—its savage neighbors have on all occasions experienced its liberality, and its benevolence.

Upon this principle, in several of the treaties which have been made, tribes have been admitted to a participation in their benefits, who had no title to the lands ceded, merely because they had been accustomed to hunt upon, and derive part of their support from them. For this reason, and to prevent the Miamies, who were the real owners of the land, from experiencing any ill effects from their resentment, in case they were excluded, the Delawares, Putawatamies and Kickapoos, were made parties to the late treaty of Fort Wayne—no other tribe was admitted, because it never had been suggested that any other could plead even the title of use or occupancy of the lands, which at that time were conveyed to the United States. It was not until eight months after the conclusion of the treaty, and after his design of forming a hostile combination against the U. States had been discovered and defeated, that the pretensions of the Prophet with regard to the lands were made known.[16] A furious clamour was then raised by the foreign agents amongst us, and other disaffected persons, against the policy which had excluded from the treaty this great influential character, as he was termed, and the doing so, expressly attributed to personal ill will upon the part of the negotiator. No such ill will did in fact exist. I accuse myself, indeed, of an error in the patronage and support which I afforded him upon his first arrival on the Wabash, before his designs of hostility to the United States had been developed. But upon no principle of propriety or policy could he have been made a party to the treaty. The personage called the Prophet, is not a chief of the tribe to which he belongs, but is an outcast from it, rejected and hated by the real chiefs, the

16 For documents pertaining to Harrison's relations with the Prophet, see Esarey (ed.), *Messages and Letters,* vol. 1, index.

principal of whom was present at the treaty, and not only disclaimed upon the part of his tribe any title to the lands ceded but used his personal influence with the chiefs of the other tribes to effect the cession.

As soon as I was informed that his disaffection at the late treaty was assigned as the cause of the hostile attitude the Prophet had assumed, I sent to inform him, that whatever claims he might have to the lands which had been purchased for the U. States, were not in the least effected by that purchase—that he might come forward and exhibit his pretensions, and if they were really found to be just or equitable, the lands would be restored, or an ample equivolent given for them. His brother was deputised and sent to me for that purpose—but far from being able to shew any colour of claim, either for himself, or any of his followers, his objection to the treaty was confined to the assertion, that all the lands upon the continent was the common property of all the tribes, and that no sale of any part of it could be valid, without the consent of all. A proposition so extremely absurd, and which would forever prevent any further purchase of lands by the United States, could receive no countenance from any friend to his country.—He had, however, the insolence to declare, that by the acknowledgement of that principle alone, could the effects of his resentment be avoided.

No person who is in the least acquainted with the history of Indian affairs upon our north western frontier for some years past, can be at any loss for the source of all this mischief, or will hesitate to believe, that the Prophet is a tool of British fears or British avarice, designed for the purpose of forming a combination of the Indians, which in case of war between that power and the United States, may assist them in the defence of Canada, or as the means of keeping back our settlements, and by rendering us suspected & hated by the natives, secure to themselves a continuance of the valuable fur trade, which they have so long engrossed.

It gives me great pleasure, however, to state to you gentlemen, that the greater part of the neighboring tribes have continued firm in their attachment to the United States, in despite of the artful and malicious stories which have been circulated, and the goods

distributed amongst them, for the purpose of producing a contrary disposition. I have every reason to believe that the Prophet and his party have been for some time loosing ground, nor do I believe that he will ever be able to form a confederacy strong enough to commence hostilities.—As long, however, as he continues in his present position, it may be in his power to raise those alarms which have so mischievious an effect in retarding the population of our country.

I have been thus particular, gentlemen, in giving you information upon the present state of our affairs with the neighboring Indians, that you may have them fully before you, in case you should think proper to make them in any shape the subject of your deliberations. Although the management of Indian affairs, in relation to their character as an independent people, and to the trade with them in their own country, is entirely and exclusively under the controul of the United States, it has been determined that the regulations for the government of the latter are of no force in our settlements.* Every person has been allowed to trade with them who pleases, which proves a source of numberless abuses of mischievious effect, both to the Indians and ourselves. Should you think proper to pass a law either prohibiting the trade of Indians within our settlements altogether, or confining it to the frontiers, and obliging those who follow it to take out licenses, I am persuaded your constituents would receive from it much benefit.[17]

It will be worthy of your consideration also, whether some penalty might not be advantageously imposed upon those who, by improper interferences, and by circulating falsehoods amongst the Indians, counteract the intentions of the government, and lay the foundation for distrust and enmities which may produce the

* The purchase of horses, guns, kettles, blankets, and any species of clothing, is however unlawful, in or out of the Indian country.

17 In response to this part of the Governor's message the Assembly passed an act "regulating trade with Indians within the part of the Territory to which the Indian title has been extinguished, and for other purposes," approved December 15. The act also forbade the selling or bartering of ardent spirits or spirituous liquors to Indians in the territory to which the Indians had renounced any claim. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 148-52.

most serious consequences.[18] It is believed that to intrigues of this kind we are indebted for much of the uneasiness and disatisfaction which has prevailed in the Indian country, for the last six months— The brother of the Prophet expressly declared in the presence of a large audience, that two secret visits had been made to his town by different white men, who urged him to oppose the execution of the late treaty, and who assured him, that his pretensions would be supported by a considerable portion of our citizens. No treaty was ever concluded with the Indians under happier auspices than that of Fort Wayne. A number of highly respectable characters were witnesses to its progress and final termination, and to the satisfaction with which the chiefs, and the whole body of warriors assented to its conditions. For upwards of ten months from its date, not a lisp of discontent was heard from any of those who were parties to it.

So late as the month of July last, a worthy and patriotic citizen of this neighborhood was sent to the Miamies to obtain their consent to a conditional article in the Kickapoo treaty.[19] This gentleman was received at the principal village with great cordiality and respect, and assurances given him, not only that the original treaty would be cheerfully complied with, but that the article in that with the Kickapoos', which was the particular object of his mission (and with which they were under no obligation to comply) would be ratified as soon as they could assemble all the chiefs of their tribe. But by a communication which has just been received from the agents at Fort Wayne, it appears that the chiefs, who were at that time so cordial in their feelings towards the treaty have been since convinced that the treaty was forced upon them, contrary to their inclination, & that it was necessary for them to petition the President to annul the treaty, and remove

[18] Article 5 of the act cited in the preceding note made it a high misdemeanor for unauthorized persons to converse or correspond with an Indian or Indian tribe "in relation to any negociations or treaties, disputes or controversies with the United States or this territory," with intent to influence the conduct of any of the tribes or to defeat any measure of the Government. *Ibid.,* 150-51.

[19] Col. Francis Vigo. See Esarey (ed.), *Messages and Letters,* 1: 434, 445, 446.

from office the person who negotiated it.[20] It is very remarkable that the very words by which the Indians conveyed their complaint, are almost the same which were used in the conversation of some persons within our settlements.—What has passed, gentlemen, is not to be effected by any law you may enact, and I think I may venture to assure you, that as soon as the Indians are convinced, that our government is not to be trifled with, we shall hear no more of opposition to the execution of the treaty.

The disaffection (of those who were parties to the treaty I mean) is confined to a part of one tribe only.—But the effects which these intrigues may produce upon any future attempt to treat with the Indians for their lands, ought, if possible to be avoided. Although much has been done toward the extinguishment of Indian title in the territory, much still remains to be done. We have not yet a sufficient space to form a tolerable state. The eastern settlements are separated from the western by a considerable extent of Indian lands, and the most fertile tracts that are within our territorial bounds, are still their property. Almost entirely divested of the game from which they have drawn their subsistence, it has become of little use to them, and it was the intention of the government to substitute for the precarious and scanty supplies which the chase affords, the more certain support which is derived from agriculture and the rearing of domestic animals. By the considerate and sensible amongst them, this plan is considered as the only one which will save them from utter exterpation. But a most formidable opposition has been raised to it by the warriors, who will never agree to abandon their old habits until driven to it by absolute necessity. As long as a deer is to be found in their forests, they will continue to hunt. It has, therefore been considered that confining them to narrow limits was the only means of producing this highly desirable change, and averting the destiny which seems to impend over them. Are then those extinguishments of native title, which are at once so beneficial to the Indians, the territory and the United States, to be sus-

20 See John Johnston, Indian agent at Fort Wayne, to Harrison, October 14, 1810, and Harrison to Secretary of War Eustis, November 7, 1810, in *ibid.*, 1:476-80 and 483-84.

pended on account of the intrigues of a few individuals? Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined by the Creator to give support to a large population, and to be the seat of civilization of science, and of true religion?

It may be asked, perhaps, how these effects can be produced by a few persons whose opportunities of intercourse with the Indians are so very limitted. Nothing is more easy than to excite the jealousy and suspicion of a savage, and to make him believe that he is imposed upon. And upon no subject are their passions more easily raised, than that of their lands. Every treaty that has been made with them has proved a work of difficulty. Besides their natural prejudices, the clashing interests of the several tribes were to be accommodated, the injuries which they have received from white people palliated and excused, and the fears excited by seeing so many tribes driven from their ancient seats by the progress of our settlements lulled, or diverted by opening brighter prospects as the reward of their fidelity. A single artful or imprudent observation from a designing or careless individual, is frequently sufficient to destroy the labor of weeks, and induce the Indians to abandon an intention which they seemed to have adopted after the maturest deliberation.—

Although I am persuaded that the blackest treachery and hatred towards our government and nation have produced some of the intrigues of which I complain, I am also convinced that much mischief has been done by others, who, actuated by no views that were inimical to their country, have suffered their passions, prejudices, and personal animosities to lead them astray, and to do that which their cooler judgments must condemn. Whilst a penal law would perhaps deter the former, it would be the means, as an expression of the public sentiment, of reclaiming the latter to their duty. Should you think proper to take the subject under your consideration, gentlemen, the original documents in my possession, in support of what is here advanced will be submitted to you.

There is still, gentlemen, some defect in our revenue laws. Altho' it is ascertained that the taxes which are due are more

than sufficient to answer all the expences of the government, a number of old claims remain unsatisfied, nor is there a dollar in the treasury belonging to the contingent fund.— As a measure tending to the great relief of the poor, the Legislature two years ago, upon my recommendation, took off the tax upon neat cattle and single young men, & substituted an additional tax upon lands for county purposes in lieu of it—I recommended at that time also to lower the tax upon horses, particularly those that are employed in agriculture—it appears to me, that the tax of fifty cents per head, must be very oppressive to the poorer class of our citizens.[21]

The court of Chancery, gentlemen, is still in the situation in which the law that created it, left it. No provision has yet been made for the compensation of the Chancellor, and the other officers of the court. The opinion given by me to a former Legislature on this subject, continues the same. "If ever there was a country where a court of Chancery was necessary, ours is the one; because in no other (as I believe) has there ever been so much valuable property transfered without the observance of the legal forms of conveyance; or where the evasion of the specific performance of contracts would produce so much confusion, injustice and ruin. It is not many years since the bear assignment of title to lands upon a bit of paper, without any of those peculiar phrases which our laws require in the transfer of real property, was deemed both by the buyer and seller, a sufficient conveyance, indeed there have been instances where the delivery of possession has been considered and accepted as sufficient evidence of purchase. To enforce the observance of bona fide contracts made in this manner, it is believed a court of Chancery is alone competent. Nor is it by any means that loose and fluctuating tribunal which some have considered it, where will, and not law, presides, and where the arbitrary opinion of the Judge is the only rule of decision. It is on the contrary bound down by rules and laws as well defined, and as well understood as those of any other court, and as it compels the specific performance of contracts, and enables contending parties reciprocally to avail themselves of facts which

21 No new tax law was passed at this session.

might otherwise be forever buried in the bosoms of their opponents; it is particularly calculated to protect the simple and ignorant, against the artful and designing."[22]

The Judiciary system may also, perhaps be susceptible of improvement,[23] Should it be thought from the number of new counties which are in contemplation, that a superior court cannot be holden in each, a district might be composed of several contiguous counties.

With respect to the militia, gentlemen, I am at a loss what to recommend, because our finances are so limitted, that I fear we could not easily provide the means of supporting them in those camps of discipline which I have formerly recommended, and in which military duty can alone be taught. If you think, however, that the treasury could bear the expence, or that it would not impose on the men too great a burden, to oblige them to furnish their own provisions, I am persuaded that the muster days directed by the present law, would be most usefully commuted for even the same number of days successively devoted to military improvement in a camp. Altho' I almost despair from the scantiness of our means of seeing our militia arrive at that high state of perfection which they ought to attain, much may nevertheless be done towards keeping up that spirit of improvement until the general government shall provide an uniform system for the whole continent and the means for carrying it into effect.[24]

But your attention, gentlemen, may in the mean time be most usefully directed to the rising generation. Military discipline con-

[22] See Harrison's message to the Assembly in 1808, *ante,* 166. An act was passed during this session, amending the act creating the court of chancery, allowing the clerk of this court to demand from suitors in the court the same fees demanded by the clerk of the General Court for similar duties. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 118-19.

[23] No changes were made in the judicial system at this session.

[24] An act supplementary to the act establishing and regulating the militia was passed at this session. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 176-84. It aimed at tightening up and strengthening the former law. Harrison's reflection on the militia and military training may be found in two letters that he wrote to Governor Charles Scott, of Kentucky, on March 10 and April 7, 1810, which are printed in Esarey (ed.), *Messages and Letters,* 1:400-19, from the Vincennes *Western Sun,* August 11 and 18, 1810.

sists in a number of minute observances, which collectively form a beautiful and connected system, but considered individually appear trifling and even ridiculous.— Hence it happens that so many persons become disgusted with military duty, before they have seen the application of those apparently frivolous orders which are given to the novitiate in arms. Youth being more docile, is therefore the proper period for military, as well as every other species of instruction. And next to that study which will lead our youth to a knowledge of their rights when they become men and citizens, what is more necessary than to teach them the art by which these rights are to be defended? Ours is, I believe, the only republic that ever existed, which neglected this important part of education. In the republics of Greece, the exercises of the Gymnasium, always succeeded the studies and lectures of the Lyceum, and in that of Rome, a strict attention to the duties of the Campus Martius, was exacted of every youthful candidate for citizenship. The liberality of Congress, gentlemen, has committed to your control a section of land in each township for the use of schools, and the seminary at this place is supported also by a considerable benefaction in the same species of property. Let me earnestly recommend to you, that in the system of education which you may establish for those schools, the military branch may not be forgotten. Let the masters of the inferior schools be obliged to qualify themselves, & instruct their pupils in the military evolutions, whilst the University, in addition to those exercises, may have attached to it a professorship of tactics, in which all the sciences connected with the art of war may be taught. I can see no reasonable objection to this plan. It will afford healthful exercise and amusement to the youth, inspire them with patriotic sentiments, and furnish our militia with a succession of recruits, all of them habituated to the performance of military evolutions, and some of them with considerable attainments in the higher branches of tactics. The sole additional expence to the ordinary mode of education, independent of the additional professorship in the University, will be the procuring for each subordinate school, a number of mock forelocks of wood, a few martial in-

struments, and for the higher schools a few hundred real guns, of the cheapest manufacture.

Since the last session of the Legislature, gentlemen, I have received for the fourth time, from the President and Senate of the United States, an appointment to the Executive duties of this territory.[25] I hope that I duly appreciate this mark of continued confidence in the government of my country, but I will not attempt to deny, that the circumstance connected with the appointment, from which I have derived much satisfaction, is the zeal and anxiety which were manifested in my favor by the great majority of your constituents, expressed as well by themselves as their Representatives to the last General Asesmbly.—Will you be pleased, gentlemen, to bear to them my most sincere thanks for the confidence and support with which they have favored me for so many years—assure them that their interest and happiness will ever be the great objects for which I shall labor, and that I shall always consider their approbation, as the greatest reward, for any services which through the assistance of Divine Providence, I shall be able to tender them.

WILLIAM HENRY HARRISON.

INDIANA TERRITORY, Nov. 12th, 1810

GENERAL WASHINGTON JOHNSTON TO HIS FELLOW CITIZENS OF INDIANA, May 21, 1811[26]

The situation of our press, for some time past, has so long prevented me the pleasure of informing you, through that vehicle, of the legislative acts of the last session, that I fear it will be *now* like an *old song,* which you have almost all verbally learn't from your respective county representatives—but as a *good story* can't be too often told, I'le give you the *general out lines* of the proceedings at last session, leaving the *minutia* to be detailed by those

[25] Harrison's fourth commission as governor of Indiana Territory was issued by President Madison on December 21, 1809, his term of service to run for three years from January 16, 1810. For the resolution of the Assembly recommending his appointment, see *ante,* 338-39.

[26] This letter is in the Vincennes *Western Sun,* June 8, 1811.

who may have less to do than I have, or who are fonder of little criticism than I am.

The formation of the new counties, being considered an object of primary interest and importance, as contributing to the *convenience* of the citizen, was acted on early in the session, and in which it was believed the *wish* of the *majority* met with its *due consideration.*[27]

The situation of those of you who are individual debtors, from the great scarcity of specie, was taken under early consideration; and at the same time that of your creditors—and viewing the subject on either hand, it seemed that any law which could be passed to favor the debtor, would operate against the creditor; it was therefore concluded, that an exemption of certain property, such as *necessaries* not *luxuries,* should be made from being taken in execution; and where real estate would extend, it should not be sold.[28]

The law which has been considered for some time so obnoxious to us, and has been the ROCK on which our ship UNITY has split, and been the apparent cause of the detestable party spirit, which has unfortunately, so long and so violently raged among us, was repealed; and I fondly hope that henceforth no cause of dissention will exist on the score of the introduction of negroes or mulattoes into the territory.[29]

The militia system received considerably of the time & attention of the two houses; but as the fewest number of your representatives, were sufficiently acquainted with the science to meet the investigation of it, with any degree of *ease* to ourselves or *safety* to you, the subject became rather perplexing; notwithstanding the *novelty* of the *track,* we ventured to *tread it,* and an amendatory act to the militia law has been passed; which I hope may prove so, for with that *intention was it passed.*[30]

[27] Franklin, Wayne and Jefferson counties, formed out of Dearborn and Clark counties, were organized at this session. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 108-11.

[28] See the act amending the act "subjecting real estates to execution for debt," and an act supplementary thereto, in *ibid.,* 120-22, 133.

[29] Johnston refers to the act repealing the 1805 act permitting the introduction of negroes and mulattoes into the Territory. *Ibid.,* 138-39.

[30] The militia law is in *ibid.,* 176-84.

The seat of government was another subject of very considerable moment, and occupied much of our time; it was momentous, because its continuance in Vincennes had, but too plainly laid the foundation of *dissention,* and was producing an *opposition* of one section of territory against the other, which was creating *discord,* and rekindling *passion,* the which when once inflamed, overwhelms *reason,* and then experience has proven, that too often venality takes the ascendency over virtue, and the *public good* is sacrificed for the gratification of *party rage:* to quell every appearance of such baneful effects in our infant society, a law was passed for the removal of the seat of government, which has been sanctioned by an act of our general government.[31]

As it is contemplated, fellow citizens, to assemble your representatives some time in July, I shall decline any further observations until that special and urgent session terminates, when you shall again hear from me.

GENL. W. JOHNSTON.

ESPERANCE, 2d May 1811

REPORT OF THE COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE MEMORIAL FROM PETER JONES[32]

MR SPEAKER,

Your committee who were appointed pursuant to a Resolution of this House on the memorial of Peter Jones[33] beg leave to report—

That your Committee have according to Order had the said memorial under Consideration and having patiently heard and maturely weighed the evidence adduced for and against the Said Peter Jones on the Charge of Burrism are of Opinion and So report that there is not the least foundation for the Said accusation—your Committee are well aware that it will be Suggested by some of Mr Jones's inveterate accusers that your Committee are hardly warrantable in giving so decided an opinion. *To those*

31 See *ante,* 347.
32 From Carter (ed.), *Territorial Papers,* 8:91.
33 Not found.

your Committee beg leave to reply that in the Testimony of upwards of Twenty Witnesses who were examined on the occasion, there was not one Corroberating Circumstance which went in Support of a Deposition said to have been made by a Certain Adam Goodlet Senr and which exparte Deposition of the said Goodet was the only Testimony which in the Smallest degree went to the Crimination of Mr. Jones, and it also appearing to your Committee by the Deposition of Two of the Witnesses who were examined on the said occasion that the Said Goodlet had threatened to injure the Character of the Said Jones as a public man—

Petition to the General Assembly by Elias McNamee and Others[34]

To the legislative Council and House of Representatives of Indiana Territory the Petition of the undersigned humbly sheweth

That the Citizens of this Territory, have been accused of abbetting Aaron Burr in his late wicked attempt to divide or overthrow the Government of the United States that those accusations have been lately republished in some Newspapers treating of the canal company of Indiana.

It therefore becomes a duty which we owe to ourselves and to our fellow Citizens throughout the Union to acquite ourselves of those charges conscious of our innocence and indignant, at the supposition of our criminality we call on you as our Representatives to examine into those charges, and to make such statement to our fellow Citizens as you shall find Just, If we have by our suffrages appointed any who were concerned with Burr let it be known, or if we have recommended them for executive appointment let it be known, but let not that guilt be imputed to a whole people, which a lone is chargeable to a few individuals, we therefore earnestly request and instruct you as our representatives, to examine what grounds there may be for such reproaches, whether the people have dishonored themselves, by electing any concerned in this plot to a seat in this honorable house, or whether

[34] From Carter (ed.), *Territorial Papers,* 8:63-64. The document is undated.

any such have been appointed to offices of Honor trust or profit by our executive, and that you will make such report as will exonerate the innocent and criminate alone those who are guilty—On entering into political existance and becoming a member of the Union; as shortly we must do, it is highly necessary that we should take with us as a people a character unstained with treason and not even suspected. A minute investigation into all and singular the premises we hope for and expect and your petitioners as in duty bound will ever Pray &c.

Names	Names
E McNamee	John Barkman
Joseph Dunlap	James Hannah
Abram Rhodarmel	Christopher Wyant
Abra Westfall	Samuel Adams
Daniel Smith	Jno McGowan
James Threlkeld	Jno Collins
Patrick Simpson	Henry Ruble
Mark Barnett	Mark Dunnerige
James Johnson	Wrenham Ellis
Will McIntosh	William Young

Report of a Committee of the House of Representatives, December 6, 1810[35]

[December 6, 1810]

The Committee to whom were referred the Memorial of William Prince Esqr of the 1st instant,[36] and the petition of Doct. Elias McNamee & other citizens of the County of Knox praying an investigation into the conduct of such of the Citizens of the Indiana Territory as had any criminal concern in the Treasonable designs of Aaron Burr and whether any such had been appointed to offices of honor trust or profit by our Executive—Beg leave to report

That on the morning of the 3d instant your Committee met

35 From Carter (ed.), *Territorial Papers,* 8:64-66.

36 Not found. See sketch of William Prince, *post,* Appendix II, for comment on his connection with the Burr conspiracy.

in the Representatives Chamber, and came to the conclusion of notifying the memorialists William Prince that they would sit upon and commence the investigation of the subjects refered to them, in the Representatives Chamber on the morning of the 4th December instant at 8 oClock A.M. which they accordingly did, as Per Copy of notice herewith reported and Numbered 1. They also concluded that as Doct. McNamee was the first signer on the petition, and as he had, to the knowledge of your Committee, appeared before a former Committee of this House appointed on the memorial of Peter Jones, as the advocate and procurator of the Petitioners, that they would notify him likewise of the place & time of their sitting, and that they would then and there be ready to receive testimony against any Citizen of the Territory whose name might be brought before them (under the denomination of Burrites) and particulary proceed into an enquiry into the conduct of William Prince" which they did as Per Voucher No. 2. both of which notices were served by the Doorkeeper of this House.

That on the morning of the 4th instant at the place & a little after the hour stated in the notices, your Committee met, when the memorialist William Prince attended but Doct. McNamee not attending, the Doorkeeper was dispatched for him, whereupon he attended and delivered to your Committee, a written communication herewith reported and it was not intended by them to make a decision so precipitately as to exclude him a fair opportunity in a reasonable time (even to the last of your Session) for procuring any testimony he conceived relevant or necessary in support of his petition, but they had thus early met in order to preclude even a thought that every occasion was not offered him as well as those whose names were already before your House, as those he might bring before your Committee not only of accusation and proof but of exculpatory defence— That if he had any other Testimony than that examined before a former Committee of this House on the memorial of Peter Jones, the whole of which your present Committee (being then present) had heard, or if he wished the same testimony re examined your Committee would adjourn to any definite and desired time within the present Session, cause

any new or the former witnesses to appear before them in order to afford every possible & fair elucidation of the subject—To which Doctr McNamee verbally replied "that he did not wish or request a re examination of the Testimony given on the former Occasion, nor had he any additional specifications to make as to persons, nor any additional testimony to offer as to the person" (Vizt William Prince) now before your Committee—Your Committee informed Doctr McNamee further—That if any Precedent had been set by the former Committee it was not such a one as should be followed by your present Committee, for that the Memorialist Mr Prince "being an officer under this Territory (Vizt Auditor of public accounts) he was liable to impeachment & removal from office which ought most assuredly to be his fate, was it established upon him that he had been guilty of Treason or misprission thereof or of any other crime under the denomination of Burrism which would in any manner disgrace or tarnish the fair character of Indiana; That under the general prayer in the petition praying an investigation into the conduct of all such as were formerly concerned with A Burr as have been appointed to offices of honor, trust or profit by our Executive" The Memorialist Mr Prince was properly refered by the House and now before the Committee.

Your committee have been thus minute in order to shew that every fair Opportunity has been offered, not only to Doct. McNamee but the other petitioners whose views & wishes coincided with his'n, to establish the criminality complained of in the petition and thereby to attach infamy to Mr Prince as an individual or as an officer of this Territory, or any other Citizens who "have received executive patronage" but it has all turned out like the mountain in labour—Wherefore the Petition seems to your Committee to be rather *soiled* with a spirit of *vindictiveness,* than *gilded* with that of patriotism—after a fair examination and candid consideration of the subjects refered to them, your Committee are of Opinion & so report, that not any of the least Criminality was established or appeared against William Prince or any other person who has heretofore received Executive patronage on the contrary that the conduct of Mr Prince so far as respects

the schemes and designs of A Burr was that of a man firmly attached to the Constitutions & laws of his Country and deserves encomium instead of obliquy—all of which is respectfully submitted

Decr 6. 1810.

GENL W JOHNSTON
Chairm[an] Com[mitt]ee

THIRD GENERAL ASSEMBLY
SECOND SESSION

November 11—December 19, 1811

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY Begun and held at Vincennes on Monday the 11th of November 1811;[1] which being the day appointed by the Governor of the Territory for the meeting of the General Assembly,

The Following Members appeared and took their seats, to wit[2]

Counties	
From Harrison	. . . William Hoggate
Do Clark	. . . Thomas Downs
Do Jefferson	. . . William McFarland
Do Dearborn	. . . James Dill
Do Knox	. . . John Caldwell
Do Franklin	. . . John Templeton
Do Wayne	. . . Richard Rue

[1] From manuscript Journal in Archives Division, Indiana State Library. On August 21, 1811, the Governor issued a proclamation postponing the meeting of the Assembly from the first Monday of October, the time to which it was prorogued, until Monday, October 28. On October 14, due to the unsettled state of the Territory, he issued a second proclamation postponing the meeting until November 11. Territorial *Executive Journal,* 176, 178.

[2] See the act apportioning the members of the House passed by the Assembly in 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 171-72. Harrison had issued writs on February 2, 1811, for holding elections in the various counties to elect the territorial delegate to Congress and to fill vacancies in the territorial House. Jennings was victorious in the election of delegate. See Dunn, *Indiana,* 388 ff., for a discussion of this election. Membership in the House was limited to nine. Hoggatt was elected in Harrison County to replace Dennis Pennington, who in turn disputed his election. See *post,* 377-78, and *Laws, 1809-16,* p. 827, note 3. McFarland, Templeton, and Rue were elected to represent the new counties of Jefferson, Franklin, and Wayne. Dill was elected from Dearborn, which lost its three representatives, Templeton, Rue, and Overman, when the county was divided, Templeton's residence lying in Franklin County and Overman's and Rue's in Wayne. John Paul, who was elected

The House proceeded to ballot for a speaker pro tem & upon counting the ballots John Caldwell From the County of Knox was elected

The Honorable General John Gibson attended the House by Request for that purpose then administered the oaths of office & to support the Constitution to William Hoggate, Thomas Downs, William McFarland, James Dill, & Richard Rue—

The house then proceeded by ballot to the election of a Clerk and upon counting the[*] ballots John Johnson was Duly elected whereupon the oath of office was administered

The house then proceeded to the election of a Doorkeeper whereupon counting the ballots Robert M Eavens[3] was Duly elected

On motion Ordered that a committee be appointed to to inform the legislative council[4] that a quorum of this house was formed & ready to proceed to business & that they had elected John Johnson as clerk to this house James Dill, & William McFarland were appointed

On motion ordered that the clerk inform the legislative council that this hous has elected Robert M. Evens Doorkeeper & request the concurance of the council thereto

On motion ordered that a committee be appointed to examine and report to this house upon the certificates and other credentials of the members returned in this house John Templeton was appointed—

On motion ordered that a committee be appointed to procure stationary for this house James Dill & William McFarland were apoin[te]d

On motion ordered that the clerk be directed to call upon the former clerk for all the books & papers properly belonging to this house

to represent Clark County in 1810, lost his seat by division of Clark County and the formation of Jefferson, his residence falling within the limits of Jefferson.

3 See sketch of Evans, *post,* Appendix II.

4 There was no change in the membership of the Council from that of the preceding session: James Beggs, Clark County; Solomon Manwaring, Dearborn County; John Harbison, Harrison County; and William Jones and Walter Wilson, Knox County.

On motion ordered that this house now adjourn[*] untill tomorrow nine of the clock

November 12th 1811

The House met agreeable to adjournment of yeasterday

Resolved that Wm. McFarland be appointed a committee on the part of this house jointly with such committee as may be appointed on the part of the legislative council to wait on the secretary of the Territory and inform him that a quorum of the two houses is assembled and ready to receive any communications he may be pleased to make to them—

The committee who were appointed to examine the certificates & other credentials of the members returned to serve in this house have had the same under consideration and do find them duly elected—

On motion ordered that this house adjourn untill 2' o'clock

November 12th 1811

The house met agreeable to adjournment

On motion Resolved that a committee be appointed to prepare such standing rules and orders[*] as are proper to be observed in this house Mrss Wm. McFarland Jas. Dill & Thos. Downs were appointed

On motion ordered that this house do adjourn untill to morrow 10 of the clock

November 13th 1811

The house met agreeable to adjournment

General W. Johnston a member from Knox County appeared & took his seat as speaker of the house

A committee from the legislative Council informed this house that they had appointed George R C Sullivan as clerk to the legislative council

A message from the legislative Council by Mr Sullivan their Clerk, Mr. Speaker the Legislative Council have concured in the appointment of R. M Eavens as Doorkeeper to both houses

On motion Ordered that the memorial of Dennis Pennington contesting the right of Wm Hoggate to set as a member in this

house be referred to a select committee and Mrss[*] J. Caldwell, R. Rue & Wm. McFarland were appointed—

On motion ordered that the house come to the following Resolution

Whereas His excellancy the Governor by Genl. W Johnston his special secretary has this day delivered a verbal communication Therefore Resolved that the resolution entered into on the twelfth inst. appointing a committee to wait on the secretary of the Territory be recinded

On Motion Ordered that James Dill be added to the committee on the memorial of Dennis Pennington

On Motion Resolved that the members of this house will wear crape on their left arm during the present session as a tribute of respect for the memory of the departed heroes who fell in the attack made by the Indians on Thursday the seventh instant and that the clerk inform the Council & request their concurance

On Motion Resolved that the auditer of public accounts have further time untill the[*] latter end of the ensuing week to make his Report to this house

On Motion Resolved that a committee be appointed to draft a bill in aid of or to amend the law for establishing the seat of justice in the county of Wayn Mrss Dill—Templeton—McFarland & Rue were appointed

On Motion that a committee be appointed to draft a bill in aid of the law for establishing the seat of justice for the County of Franklin—Mrss Templeton Hoggate & Caldwell were appointed

On Motion Resolved that unless otherwise ordered the Daily hour to which this house shall stand adjourned during the present session be nine oclock in the forenoon

On Motion Ordered that this house adjourn

November 14th 1811

The house met agreeable to adjournment

On motion ordered that Mr. Caldwell be appointed speaker pro tem—

A message from the legislative Council by Mr. Sullevan their

clerk. Mr. speaker the Council have concured in the resolution of this house for the members to wear[*] crape on their left arm, & that they have appointed Wm Jones a committee of enrolled bills

The Committee who were appointed to prepare a set of Rules & regulations for the government of this house have had the same under consideration & beg leave to make the following report—That the rules of the house at the last session of the legislature shall be considered as the standing rules of this house

The committee to whom was refered the memorial of Denis pennington contesting the election of William Hoggate the member returned to serve in this house for the county of Harrison Beg leave to make the following report—That your committee have according to to order had the same under consideration and find upon due examination of the polls that the said William Hoggate is entitled to his seat in this house as a representative from the County of Harrison—Therefore Resolved that the said William Hoggate do continue to occupy his seat in this house as a representative from the said County of Harrison

On motion Ordered that the house resolve itself into a committee of the whole on the report of the select committe on the contested election of William Hoggatt and after some time spent therein, Mr Speaker resumed the chair and Mr. Rue reported that the committee had made some progress therein and desired leave to sit again[*]

A message from the legislative council by Mr. Sullevan their Clerk Mr Speaker The Council have appointed William Jones a committee a committee of enrolled bills to act with such committee as may be appointed on the part of this house

Mr. Caldwell presented a petition from Jane Richardson praying for a divorce It being read on motion ordered that the said petition do lie on the table—

Mr. Caldwell presented a petition from Elizabeth Richardson praying for a divorce it being read on motion ordered the said petition do lie on the table.

The speaker laid before the house the petition of John Brown & others respecting the seat of justice of the county of Franklin

On motion ordered that the said petition be refered to the committee appointed to prepar a bill in aid of the law for establishing the seat of justice for the county of Franklin

Mr Downs presented a petition from Elizabeth Rennolds praying for a divorce it being read

On motion ordered that the said petition do lie on the Table

Mr. Caldwell presented a petition from Clemant Nants & others respecting certain lands therein mentioned it being read

On motion ordered that the said petition do lie on the table[*]

Mr Downs presented a petition from J[?] Gwathmy respecting the trusties of the Town of Jeffersonville it being read

On motion ordered that the said petition do lie on the table.

Mr. Hoggatt presented a petition from a committee of the citizens of Harrison County praying for a diviseon of said County it being read

On motion ordered that the said petion do lie on the table—

The speaker laid before the house a number of petitions from the citizens of the county of Franklin respecting the seat of justice of said county they being read

On motion ordered that the said petitions be refered to the committee appointed to prepare a bill in aid of the law for establishing the seat of justice of the County of Franklin

Mr Dill from the committee appointed to bring in a bill for the establishing the seat of justice in the county of Wayn reported a bill for fixing the seat of justice of the said County which was read the first time[5]

On motion Ordered that the said bill be read a second time to day[*]

On motion ordered that the said bill be committed to a committee of the whole house to day

The House according to the order of the day resolved itself into into a committee of the whole house on the bill establishing

[5] This act designated Salisbury as the county seat of Wayne County. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 220. In 1816 the seat of justice was removed to Centerville and in 1873 to Richmond. See Bernhard Knollenberg, *Pioneer Sketches of the Upper Whitewater Valley, Quaker Stronghold of the West* (Indiana Historical Society *Publications,* vol. 15, no. 1, Indianapolis, 1945), 47-49.

the seat of justice of the county of Wayn, and after some time spent therein Mr Speaker resumed the chair and Mr. Hoggatt reported that the committee of the whole had according to order had the said Bill under consideration and made several amendments thereto which he delivered in at the clerks table where the same were severly twice read and agreed to by the house and ordered to be engrossed for a third reading to day

On motion ordered that that the said bill be read a third time now

Resolved that the said bill do pass and that the title be an act supplementary to to an act for the formation of two new Counties out of the counties of Dearbon & Clark

Ordered that the clerk of this house do carry the said bill to the council and desire their concurance

Mr Templeton presented a petition of John Beard & others respecting the seat of justice of the County of Wayn it being read on motion ordered that the said petition do lie on the Table[*]

Mr. Dill presented the petition of Levi Dun and others & other Documents respecting the seat of justice of the County of Wayn They being read,

On motion, Ordered that the said petitions do lie on the Table

Mr. Caldwell presented sundry petitions from the citizens of the County of Franklin, They being read

On motion Ordered that the said petitions be refered to the committee appointed to prepare a bill for establishing the seat of justice of the County of Franklin

The speaker laid before the house a petition of the citizens of the County of Wayn respecting the conduct of the court of the said County

On motion To throw the said petion under the Table upon the question being taken it was carried in the negative

On motion To refer the said petition to a committee to prepare articles of impeachment against the said judges.[6] The yays

[6] Judges of the court of common pleas of Wayne County were Peter Fleming, Aaron Martin, and Jeremiah Meek. Territorial *Executive Journal,* 168. See report of the select committee on this petition, *post,* 404.

& nays being demanded by one of the members present yays 4 nays 4

Those who voted in the affirmative are

John Caldwell	William Hoggatt
Thos Downs	John Templeton

Those who voted in the negative are

James Dill	William McFarland
General W Johnston	Richard Rue [*]

On motion ordered that the said petition do lie on the Table

On motion ordered that the petition of Jane Richardson Elizebeth Richardson and Elizebeth Rennolds be refered to a select committee, Mrss Caldwell Dill & Downs were appointed—[7]

Mr. Caldwell presented a petition from James Livingston & others They being read

On Motion ordered that the said petition do lie on the Table

On Motion ordered that the house adjourn

Friday November 15th 1811—

The house met agreeable to adjournment

On Motion ordered that Wm. McFarland be appointed on the part of this house of enrolled bills to act in conjunction with the committee on the part of council for that purpose

The accusation against the judges may have been made because of their refusal to receive the report of commissioners appointed to select the site of the county seat. The commissioners had been appointed by the act organizing Wayne. Two of them designated a quarter section about three-quarters of a mile north of the present Centerville. The third commissioner dissented because this land had not yet been sold by the government, though it had been advertised. The judges supported the minority view, refusing to accept the report, and appointed three new commissioners. The new commission selected the Salisbury site, two and a half miles east of the first site and on the Indian boundary, which was confirmed by the Assembly. *Ante,* 372n. The action of the court was denounced by those favoring the site near Centerville, and it may have been members of this element that sent the petition to the Assembly. Andrew W. Young, *History of Wayne County, Indiana* . . . (Cincinnati, 1872), 81-82.

[7] Divorces were granted to Jane Richardson and Elizabeth Richardson on the grounds of desertion, their husbands having fled the country because of their connection with a band of horse thieves. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 211-13.

On motion ordered that the clerk do carry the petitions from the citizens of Wayn County to the Council

Mr. Downs moved for leave to bring in a bill fixing the seat of justice of the County of Clark,[8] Thereupon leave given. Whereupon he introduced a bill to amend the act for the[*] removal of the seat of justice of Clark County which was read the first time

On motion that the said Bill be engrossed & read a second time now, whereupon it was resolved in the affirmative it being read accordingly

On motion that the said Bill be read a third time now Whereupon it was resolved in the affirmative

On motion that the said bill do pass whereupon it was resolved in the affirmative and that the title be an act to amend the act for the removal of the seat of justice of Clark County

On motion ordered that the clerk do inform the the council thereof and request their concurance

The committee who were appointed to draft a bill in aid of the law for establishing the seat of justice for the County of Franklin, Reported the following bill—A bill for fixing the permenant seat of justice in & for the County of Franklin,[9] which being read

On motion that the said bill be engrossed and read a second time now. Whereupon it was resolved in the affirmative

[8] In the proclamation organizing Clark County (February 3, 1801, Territorial *Executive Journal,* 97), Springville was designated as the county seat. The next year it was moved to Jeffersonville. *Ibid.,* 109. In 1810 the Assembly authorized the removal of the seat of justice to Charlestown which had a more central location in the county and was more removed from the proslavery influence of Louisville than Jeffersonville. Difficulties arose over the question of whether or not certain requirements in the 1810 act had been met by Charlestown, and the act passed at the present session merely reaffirmed the 1810 act and legalized the proceedings of the court which had met in Charlestown in 1810. For a more detailed discussion, see Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 17-20.

[9] Commissioners appointed by the 1810 act organizing the county had selected Brookville as the site for the county seat, but had failed to act in the time prescribed. The General Assembly ratified and confirmed their choice. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 218-19.

On motion that the said bill [be] read a third time no[w] Whereupon it was resolved in the affermation

On motion that the said bill do pass whereupon it was resolved in the affermative and that the title be an act for[*] fixing the permenant seat of justice in & for the County of Franklin

On motion ordered that the clerk do inform the council and request their concurance

On motion ordered that the clerk do carry the petitions of the citizens of Franklin County respecting the seat of justice of said County to the council and request their concurance

The committee who were appointed on the petition of Jane Richardson have had the same under consideration & beg leave to report by bill. A bill for desolving the marriage of Jane Richardson with her husband Jacob Richardson which being read

On motion that the said bill be engrossed and read a second time now, Whereupon it was resolved in the affermative which being engrossed & read

On motion that the said bill be read a third time now whereupon it was resolved in the affirmative

On motion that the said bill do pass whereupon it was resolved in the affirmative and that the title should be an act for desolving the marriage of Jane Richardson with her husband Jacob Richardson

On motion ordered that the clerk do inform the council thereof & request their concurance[*]

Mr. Dill presented the petition of John Levingston & others, it being read

On motion ordered that the said petition be refered to a select committee Messr. Caldwell Dill & McFarland were appointed

Mr. Dill presented a petition from Frederick Summy & others it being read

On motion ordered that the said petition be refered to the committee appointed on the petition of John Levingston & others

Mr. Hoggatt presented a petition from James McGee & others it being read

On motion ordered that the said petition do lie on the Table

Mr. Dill presented a petition from Aron Martin and others it being read

On motion ordered that the said petition [be referred] to the committee appointed on the petition of John Levingston & others

On motion ordered that the clerk inform the council that this house have adopted the joint rules of the two houses of the legislature of the last session & request their concurance

Mr. McFarland moved for leave to bring in[*] a bill, repealing an act for fixing a permenant seat of government and an act supplemtory thereto[10] Thereupon leave was given, which was read the first time

On motion that the said bill be engrssed and read a second time now whereupon it was resolved in the affirmative

On motion ordered that the said bill be committed to a committee of the whole house on Wednessday next

On motion ordered that the several petitions from Harrison county praying for a division of said county be refered to a select committee Messr. Hoggatt Downs & Dill were appointed—

Mr. Caldwell presented an address from the society of Friends in the Territory

On motion ordered that the said address be refered to the committee appointed on the petition of John Levingston & others

The house according to the order of the day resolved itself into a committee of the whole house on the report of the select committee on the contested election of William Hoggatt—and after some time spent therein Mr. Speaker resumed the chair and Mr. Templeton reported that the committee had according to order had the said report of the select com. under consideration[*] and had made several ammendements thereto "to wit" by striking "out

10 See Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 153-57, 186-87. See also *ante,* 347. The commissioners appo'nted to locate the capital site had taken no action by the opening of the present session of the Assembly. This bill got no further than second reading. See *post,* 387. See also *post,* 429-30, 457, 460, 461, 468, 469-71, for action on a bill for the temporary removal of the capital to Madison, introduced by James Dill, and *post,* 472-73, 474-75, 479, 480, 481, for resolutions introduced by William McFarland for the next Assembly to convene at Madison.

of the said report all that part after the word consideration inserting in Lieu thereof the following resolution

Resolved that from all the Testemony adduced in the foregoing contest and a view of the law arising thereon that neither the memorialist Denis pennington nor the returned member William Hoggatt, are entitled to a seat in this house; which amendment he delivered in at the clerks table where the same was twice read

On motion That the house do concur with the amendments as made by the committee of the whole house Whereupon it was amended ays 5 noes 2. The ays & noes being called for by one of the Members present it was carried in the affirmative Those who voted in the affirmative were Messr. Caldwell Dill Johnston McFarland and Rue Those who voted in the negative were Messr Downs & Templeton

On motion ordered that the house adjourn[*]

Saturday November 16th 1811

The house met according to adjournment Mr. Speaker not appearing Mr. Caldwell was appointed speaker protem,

Mr. Peter Jones a member from the County of Knox appeared and took his seat

On motion Resolved that the Treasurer of have further time untill next saturday to make his report to this house

On motion ordered that Mr. McFarland be added to the committee to whom were refered the petitions for the devision of Harrison County in the room of Wm Hoggatt whose seat has been vacated

The committee who were appointed on the petition of Elezebeth Richardson have had the same under consideration and beg leave to report by bill.

A Bill for desolving the marriage of Elezebeth Richardson with her husband Isaac Richardson which being read

On motion that the said bill be engrossed and read a second time now Whereupon it was resolved in the affirmative which being engrossed & read

On motion that the said bill be read a third time now Whereupon it was resolved in the affirmative

On motion that the said bill do pass[*] whereupon it was resolved in the affirmative and that the title should [be] an act for the desolving the marriage of Elezebeth Richardson with her husband Isaac Richardson

On motion ordered that the clerk do inform the council and request their concurance

The committee to whom were refered the petition of Elezebeth Rennolds have have had the same under consideration and beg leave to Report by bill—A bill to desolve the marriage of Elezebeth Rennolds with her husband Samuel Rennolds which being read

On motion that the said bill be engrossed and read a second time now Thereupon it was resolved in the affirmative which being engrossed and read On motion that the said bill be read a third time now whereupon it was resolved in the afferamative

On motion that the said bill do pass whereupon it was resolved resolved in the affermative and that the title be an act to desolve the marriage of Elezebeth Rennolds with her husband Samuel Rennolds

On motion ordered that the clerk do inform the council and request their concurance

On motion ordered that the house adjourn untill monday next[*]

Monday 18th 1811

The house met agreeable to adjournment On the motion of Mr. Dill The following Resolution was introduced and adopted

Whereas the services of his Excellency Governor Harrison in conducting the army; The gallant defence made by the band of heroes under his immediate command and the fortunate result of the battle fought with the confederacy of the shawny prophet near Tepicono on the morning of the seventh instant highly deserves the congratulations of every true friend to the interests of this Territory and the cause of humanity

Resolved therefore that the members of the legislative Council

and house of Representatives will wait upon His Excellancy Governor Harrison as he returns to Vincennes and in their own names and those of their constituents welcom him home and that General W Johnston be and he is appointed a committee to make the same known to the Governor at the head of the army should unforeseen circumstances not prevent

ordered that the clerk of this house do carry this resolution to the legislative Council and desire their concurance thereto

A message from the legislative Council by Mr. Sullevan their clerk Mr. Speaker I am directed by the legislative Council[*] to inform this house that they do concur in the bill which originated in this house suplementory to an act for the formation of two new counties out of the Counties of Dearbon and Clark. They have also concured in adopting the joint rules of last session of the legislature for the present Mr McFarland presented several petitions from William Hillis & others praying to be admited in to a state governent They being read

On motion ordered that the said petitions be refered to a select committee Mess McFarland Caldwell Dill & Jones were appointed[11]

Mr. McFarland presented several petitions from Samuel Marques & others respecting the election of sheriff They being read

On motion ordered that the said petitions be refered to a select committee—Mess McFarland Rue and Templeton were appointed[12]

Mr. McFarland presented a petition from Daniel Robbins & others respecting the seat of government of the Territory it being read

On motion ordered that the said petition be refered to a select committee Messr. McFarland Dill and Caldwell were appointed[*]

Mr McFarland presented several petitions from William Hillis & others respecting the mode of elections They being read

On motion ordered that the said petitions be refered to a select

11 See resolution relative to statehood, *post,* 442-43.

12 See the resolution relative to the election of sheriffs, *post,* 467-68.

committee Messrs. McFarland Dill and Caldwell were appointed—

A message from the legislative Council by Mr. Sullivan their Clerk—Mr Speaker I am directed by the legislative council to inform this house that they do concur in the bill which originated in this house disolving the marriage of Jane Richardson with her husband Jacob Richardson They have also concured in the resolution to wait on the governor & congatulate him on the happy issue of the late battle with the Indians

Mr Caldwell moved for leave to bring in a bill fixing the salleries of certain officer Thereupon leave was given,—Whereupon he introduced a bill fixing the salleries of certain officers which was read a first time

On motion Resolved that the said bill be read a second time now

On motion Resolved that the said bill be committed[*] to a committee of the whole house and made the order of the day for Wednesday next

On Motion ordered that the house adjourn

Tuesday 19th of November 1811

The house met agreeable to adjournment

On motion of Mr. Downs for leave of absence for the remainder of the session on account of endisposition Whereupon it was resolved in the affirmative

On motion Resolved that Mr. McFarland be a committee on the part of this house to act in conjunction with such committee as may be appointed on the part of the legislative Council to wait upon his excelency the Governor and inform him that the two houses have formed a quorum and are now ready to receive any communications he may be pleased to make to them

Ordered that the clerk of this house do inform the legislative council thereof and desire their concurance[*]

Mr McFarland moved for leave to bring in a bill for recording town plats Thereupon leave was given—Whereupon he introduced a bill for recording Town plats which was read the first time

On motion Resolved that the said bill be read a second time now

On motion Resolved that the said bill be committed to a committee of the whole house and made the order of the day for tomorrow

A message from the Legislative council by Mr. Sullivan their Clerk Mr. Speaker I am directed by the L. Council to inform this house that they have appointed Mr. Harbeson a committee on their part to wait on the Governor and inform him that a quorum of both houses is formed and are ready to receive any communications he may be pleased to make to them

On motion ordered that the house adjourn[*]

Wednesday November the 20th 1811

The house met agreeable to adjournment

A message from the Legislative Council by Mr Sullivan their Clerk Mr. Speaker I am directed by the Legislative Council to inform this house that they do concur in the bill which originated in this house to amend the act for the removal of the seat of justice of Clark County Also that they have concured in the bill which originated in this house fixing the the permenant seat of justice in & for the County of Franklin—

Mr. McFarland from the joint committee made a report that he had according to order waited on the governor who returned for answer that he would wait on the legislature in person at twelve oclock today and make a communication to them

On motion ordered that the clerk of this house do inform the Legislative Council that this house will be ready to receive thim at 12 o clock today in order to receive the Governors communication and that the seats to the left of the speakers chair are appropriated to their use for the above purpose

The Legislative council attended at twelve o clock and were seated on the left of the speakers chair[*]

The Governor attended & escorted by the joint committee entered and was conducted to the speakers chair from which he delivered the following communication

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The execution of an order received from the president of the United States at the head of a body of troops prevented me from meeting you at the time to which you were prorogued by my last proclamation Although this circumstance may produce some personal inconvenience to you and perhaps a little additional expense to the Territory, It will not I am sure be regretted, when it is recollected that the result of the expedition which I had the honor to command, is a complete victory over the hostile combination of Indians which has been formed by the Shawny prophet

It is with equal pleasure and pride Gentlemen that I have it in my power to inform you that in an action where undaunted Valour was conspicuous in every corps, our own militia behaved in a mannor to do credit to themselves as well as to the Territory[*] The numerous duties which claim my attention at this time will prvent me from giving you my opinion upon such subjects as require legislative provision—The most important of those however you will find discused at length in my former address.

Permit me to recommend to you industry and concord in the discharge of your functions; and be assured of my cordial cooperation in every measure which may be calculated for the benefit of your constituents

WILLM. HENRY HARRISON

A message from the legislative Council by Mr. Sullivan their Clerk—Mr. Speaker I am directed by the legislative Council to inform this house, that they have passed an act for the prevention of Dueling to which they desire the concurance of this hous[13]

On motion ordered that the said act be read a first time now It being read

On motion ordered that the said act be refered to a committee of the whole house & made the order of the day for tomorrow[*]

[13] This bill passed the House and was declared enrolled (*post,* 387-88, 407, 409, 414). It must not have received the Governor's approval since it does not appear among the laws.

On motion Ordered that the house resolve itself into a committee of the whole house on the state of the Territory and after some time spent therein, Mr. Speaker resumed the chair and Mr Templeton reported that the committee according to order had the communecation of the governor under consideration and had come to the following resolution

Resolved that Mess McFarland and Dill be appointed a committee to prepare & report to this house an answer to the communecation delivered by his excellency the Governor to the two houses at the present session—Whereupon the same being handed in at the clerks table and being twice read was concured in by the house

On motion ordered that the house resolve itself into a committee of the whole house on the bill for recording Town plats and after some time spent therein Mr Speaker Resumed the chair and Mr Rue reported That the committee of the whole had according to order taken into consideration the said bill and have made several amendments[*] Thereto To which They desire the concurance of the house

On the question being put do the house concur with the report of the committee on the said bill with the amendments It was carried in the affirmative

Resolved that the said Bill be engrossed for a third reading now It being ingrossed & read

On motion Resolved that the said bill do pass and that the title be an act for recording Town plats

Resolved that the clerk do inform the legislative Council thereof and desire their concurance

On motion that the legislature now adjourn to a house provided by Mr. Beckes whereupon it was carried in the negative

On motion ordered that the house adjourn

Thursday November 21st 1811

The house met agreeable to adjournmeent

Mr Caldwell presented a petition from Robert M Eavans & others praying[*] for a division of Knox County it being read

On motion ordered that the said petition be refered to a select committee Messr. Caldwell, Jones and Dill were appointed

Mr. McFarland moved for leave to bring a bill for auditing public accounts. Thereupon leave was given Whereupon he introduced a bill for auditing public accounts—which was read the first time

On motion ordered that the said bill be engrossed & read a second time now it being engrossed & read accordingly

On motion Resolved that the said bill be read a third time now, it being Read

On motion Resolved that the said bill do pass and that the title be an act for auditing public accounts

On Motion ordered that the clerk do enform the council thereof and desire their concurance

The house according to the order[*] of the day resolved itself into a committee of the whole house on the bill for fixing the salleries of certain officers and after some time spent therein Mr. Speaker resumed the chair and Mr. Jones reported that the committee had according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the hous which he delivered in at the clerks table where they were read On the questions being put do the house concur with the report of the committee on the said bill with the amendments Whereupon it was carried in the affirma[tive]

On motion Resolved that the said bill be engrossed for a third reading now; it being engrossed & read

On motion Resolved that the said bill do pass and that the title be an act for fixing the salleries of certain officers

Ordered that the clerk do inform the Legislative council thereof & desire their concurance

A Message from the legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have come to[*] the following resolution to which th[ey] desire the concurance of this hous

Resolved by the Legislative Counci[l] and house of Representatives that bo[th] houses adjourn emmediately to a red house near Mr. Beckeses and that the secretary of this house, carry this

resolution to the house of representatives and request their concurance[14]

The ays & noes being called for by a member present & upon putting the question it was carried in the affermative ays 4 noes 3 Those who voted in the affermative were James Dill Wm. McFarland Richard Rue & John Templeton Those who voted in the negative wer John Caldwell Genl. W Johnston & Peter Jones

A message from the legislative Council by Mr. Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the act which origenated in this house to disolve the marriage of Elizebeth Richardson with Isaac Richardson her husband with some amendments[*] To which amendments they desire the concurance of this house They have also concured in the act which originated in this house for disolving the marriage of Elizebeth Rennolds with Samuel Rennels her husband

Resolved that the County of Knox be allowed the sum of eleven dollars for ten days time the legislature have occupied the court house and that the same be encluded in the act which may be passed at the present session for making specific appropriations

ordered that the clerk of this house do carry this resolution to the Legislative Council and desire their concurance thereto

A Message from the legislative Council by Mr. Sullivan their clerk—Mr. Speaker I am directed by the L Council to inform this house that they do concur in the resolution making an appropriation to the county of Knox of eleven dollars for house rent

The House according to the order of the day resolved itself into a committee of the whole house on the Bill repealing[*] an act for fixing the permenant seat of government and an act supple-

14 The Assembly had been meeting in Antoine Marchal's house which was also leased by Knox County as a courthouse. Rent for the 1807, 1808, and 1810 sessions, allowed by the Assembly, was not paid until 1812. Perhaps this delinquency was the reason for the removal. See Territorial Treasurer's Account Book, *post,* Appendix I. Rent was also allowed to Knox County by the 1806 session. Philbrick (ed.), *Laws, 1801-9,* pp. 207, 607, 669. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 174. Fifty dollars was allowed Antoine Marchal for the use of his house by the Assembly in 1805. Philbrick (ed.), *op. cit.,* 143.

mentary thereto—and after some tim spent therein Mr Speaker resumed the chair and Mr. Templeton reported that the committee had according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house which he delevered in at the clerks Table where they were read on the questions being put do the house concur with the report of the committee on the said Bill with the amendment The ays & noes being called for by a member present It was carried in the affermative 5 2 Those who voted in the affermative were J. Caldwell J. Dill G. W. Johnston P. Jones & R. Rue and those who voted in the negative were Wm. McFarland & Jno. Templeton[*]

The house according to the order of the day resolved itself into a committee of the whole house on the act from the council for the prevention of Dueling and after some time spent therein Mr Speaker resumed the chair and Mr Rue reported; that the committee of the whole had according to order had the said Act under consideration and made several amendments thereto to which they desire the concurance of the house—which act he delivered in at the clerks Table where they were read On the questions being put do the house concur with the report of the committee on the said Act with the amendment It was carried in the affermative

On motion Resolved that the house again Resolve itself into a committee of the whole house on the act from the council for the prevention of Dueling and after some time spent therein Mr Speaker resumed the chair and Mr Templeton reported—That the committee of the whole had according to order had the said act under consideration and made several amendments thereto[*] to which they desire the concurance of the house, which act he delivered in at the clerks table with the amendments where they were read On the questions being put do the house concur with the report of the committee on the said act with the amendments it was carried in the affermative

On motion Resolved that the said act be engrossed for a third reading now it being engrossed & read

On motion Resolved that the said act do pass & that the clerk enform the coucil thereof & desir their concurance

On motion ordered that house adjourn

Friday November 22d 1811

The hous met agreeable to adjournment

Mr Dill presented a petition from Masterson G Clark and others praying for relief relative to certain surveying fees therein mentioned[*]

On motion ordered that the said petition be refered to a select committee Messr. Dill McFarland and Jones were appointed

The committee who were appointed to prepare an answer to the Governors communication to both houses at the present session beg leave to report the following.

To his Excellency William Henry Harrison Governor and commander in chief in and over the Indiana Territory

Sir The House of Representatives of the Indiana Territory in their own names and in behalf of their constituents most cordially reciprocate the congratulations of your Excellency on the glorious result of the late sanguinary conflict with the shawny prophet and the tribes of Indians confederated with him When we see displayed in behalf of our Country not only the consummate abilities of the General but the heroism of the man, and when we take into view the benefits which must result to that country from those exertions[*] we cannot for a moment withhold our meed of applause—

We shall cordially and industriously indeavour to cooperate with you sir in such measures as may best comport with the emmediate interests of our Territory; and although we may lament the occasion which gave rise to the necessary delay of legislative business yet we feel it to be our duty as patriots, as representatives and as men to submit without a murmur to any inconvenience. which the good of our common country may require

On motion Resolved that the house do concur with the said answer as reported by the select committee

On motion Resolved that a committee be appointed to wait on the Governor & know at what time & place he will be pleased to receive the answer of this house to his communecation to both houses Messr. Dill & McFarland were appointed[*]

On motion Resolved that the house do concur in the amendments made by the Legislative Council to the bill for desolving the marriage of Isaac Richardson with Elizebeth Richardson his wife

Mr Dill from the committee appointed to wait on the Governor and know at what time and place he would receive the answer of this house to his communication to both houses of the legislature—Reported that the committee had according to order performed that service and that the Governor informed them that he would receive the answer today at a half pased twelve o clock today in the representatives chamber

On motion Resolved that the clerk make out a copy of the answer to the governors communication and that the same be delivered to him by the speaker of this house

Mr. Johnston from the committee who were appointed by a Resolution of the legislature of the Indiana Territory of the 17th November 1810[15] to contract for the printing & transportation of the laws of said session of 1810 reported—That immedeately after[*] the rise of the session they contracted with Elihu Stout of Vincennes for printing and stitching the acts and resolutions of the said session in pages of octavo at the rate of one dollar and twenty five cents common print, and for that part containing the ordinance of the Territory and the acts of Congress, and the Indix at the rate of two dollars and fifty cents They being printed in small type and for stitching cutting & binding eight cents per copy for two hundred copies—That so soon as they were completed (and it is beleived this was done as expeditiously as the embarrassed situation of the printer would admit of) your committee lost no time in forwarding the proper number of copies to the several counties and disposing of the remainder in the manner designated in the resolution of the last session

15 This resolution was approved December 17. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 163-64.

Your committe were further directed by two aditional resolutions pased by the Legislature at their aforesaid session 1810 to have printed and distributed the jornals of the two houses but owing to the late period at which the laws were delivered to your committe. by the contractor (for we are willing to believe unavoidable causes on his part) your committe. concluded that it was unadvisable to run the Territory to the[*] expence of printing them believing that any information that they could convey to our Citizens was then generally deseminated through other channels.[16]

In having thus acted your comitte are contious of no impropriety on their part, they therefore hope that their conduct will meet the aprobation of your honorable boddies

Nov. 1811

GENL W JOHNSTON
WILL JONES
Commit[tee]

On motion Resolved that the house do concur with the said **report**

Resolved that the clerk do carry this resolution to the legislative Council and desire their concurance

The speaker laid before the house the report of the Territorial Treasurer[17]

[16] For difficulties which the printer, Elihu Stout, was suffering at this time, see *ante,* 346.

[17] In a letter to the citizens of Indiana on the proceedings of this session (in the *Western Sun,* December 28, 1811), General W. Johnston wrote, "From the Reports of the Territorial Auditor and Treasurer, it appears that at the commencement of the present session, there was upwards of *three dollars* in the Treasury—And the Auditor states, that if unexpected defalcations do not happen in the revenue due the territory from the counties of Randolph and St. Clair, Illinois Territory, that we shall be in a situation, at the commencement of the ensuing year, to meet all our demands.—Relying upon this Report as fact; and believing that a government should in all cases, act with as much justice towards its citizens as is due and practised between individuals; laws have been passed making evidences of demands, against the territory, carry interest." Johnston refers to the act passed at this session authorizing the auditor of public accounts to audit interest in certain cases. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 213-14. See also *ibid.,* 330-33, and *post,* 522-24.

On motion Resolved that a committee of ways & means be appointed Messr. Caldwell, Dill McFarland and Jones were appointed

On motion ordered that the report of the Territorial Treasurer be refered to the committee of ways & means[*]

On motion Resolved that the audeter of public accounts have untill Friday next to make his report—

On motion ordered that this house will wait on the Governor at a half past 12 o clock this day to deliver the answer of this house to the communication which he delivered to both houses of the legislature the present session The house having waited upon the Governor according to order he returned to them the following answer

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

Beleiving as I do that the highest Reward which a Republican soldier can receive is the approbation of his fillow citizens, I cannot be otherwise than highly gratified at the applause which you have been pleased to bestow upon me as commander of the late expedition. It has ever been my wish Gentlemen to deserve the confidence of your constituents, to promote their welfare and happiness has been for many years the great object of my cares & if in the late[*] action it had pleased the Almighty to seal with my blood the victory which was to ensure their safety the sacrifise would have been cheerfully made

WILLIAM HENRY HARRISON

VINCENNES 22d November 1811

On motion ordered that the house adjourn

Saturday November 23d 1811

The house met agreeable to adjournment

A message from the Legislative Council by Mr Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the amendments made by this house to the act for the prevention of Dueling which originated in the Legislative Council—also that they have concured in the act for recording Town Plats—Also that they have concured in

the report of the committee for printing the laws of the last session of the Legislature

Mr McFarland from the committee of enrolled Bills reported that the said[*] committee had compared the engrossed with the following enrolled bills 1st an act establishing the seat of justice in the County of Wayn—2d an act for desolving the marriage of Isaac Richardson and Elizebeth his wife—3d an act for fixing the permenant seat of justice in & for the County of Franklin—4th an act to amend the act for the removal of the seat of justice of Clark County—5th an act for desolving the marriage of Elizebeth Rennels with Samuel Rennels her husband[18]—6th an act desolving the marriage of Jane Richardson with Jacob Richardson and find the same truely enrolled whereupon, Mr. Speaker signed the said inrolled Bills

ordered that the clerk inform the Legislative Council thereof & desire the signiture of the president thereto

On motion ordered that the house adjourn untill monday next[*]

Monday November 25th 1811

The house met agreeable to adjournment

A message from the Legislative Council by Mr. Sullevan their clerk Mr. Speaker I am directed by the Council to inform this house that they had concured in the bill for fixing the salaries of certain officers with some amendments to which they desire the concurance of this house

The house according to the order of the day resolved itself into a committee of the whole house on the state of The Territory, and after some time spent therein Mr Speaker resumed the chair and Mr. Templeton reported that the committee of the whole had the state of the Territory under consideration and have come to the following resolutions to which they desire the concurance of the house

Whereas from the accounts received from all quarters relative to the conduct of the different corps of the arrmy in the late Bloody

[18] Apparently this bill failed to receive the Governor's approval for it does not appear among the laws for this session.

Battle fought with the shawny Prophet and his confederates, The result of which has been so glorious to the arms of the United States and the effects of which are expected to be so beneficial to the Indiana Territory It appears to this legislature; That under[*] Devine providence, and the abilities of the commander in chief, we are indebted for those benefits and results in an emenent degree to the dicipline, The cool and deliberate valour of the Fourth United States Regiment of Infantry who had been previously diciplined and trained under the command, inspection and tuition of colonel John P. Boyd the officer who led them into the field on the late occasion

Resolved therefore—By the Legislative Council and house of Representatives that they on behalf of themselves and their constituents do tender to the said Colonel John P Boyd, The officers, non commissioned officers and privates composing the said fourth Regiment, and under his command on the aforesaid occasion Their most grateful acknowledgements for the steady discipline, undaunted valour, and cool intrepidity so eminently and sucessfully displayed by him and them together with the militia officers and men in the Battle fought with the shawny prophet and his confederates on the morning of the seventh of November eighteen hundred and eleven[*] Resolved that a joint committee from each Branch of the legislature be appointed to wait on the said Colonel John P Boyd with a copy of these resolutions and that the said committee do request Colonel Boyd to make known the same to the officers, non commissioned, officers and privates under his command

Resolved that a copy of the foregoing Resolutions be inserted in the Western Sun—

On motion that the house do concur with the Report of the committee of the whole on the foregoing Resolutions upon the questions being put do the house concur whereupon it was carried in the affirmative ordered that the clerk do carry the said Resolutions to the legislative Council and desire their concurance thereto[19]

[19] The Council failed to concur in these resolutions (*post*, 400-1), and the House passed a second series praising Boyd and his command and the troops under Colonels Bartholomew and Decker, to which they did not

On motion Resolved that—The house do now proceed to consider the amendments made by the Legislative Council to the bill for fixing the salleries of certain officers

On the questions being put shall the house concur with the amendments It was carried in the negative[*]

On motion Resolved that a committee of conference be desired with the legislative Council upon the amendments made by them and disagreed to by this house to the bill fixing the salleries of certain officers and that Mr. McFarland be such committee on the part of this house

Ordered that the clerk of this house do inform the Legislative Council thereof and desire the appointment of a simelar committee on their part

A message from the legislative council by Mr. Sullivan their clerk Mr Speaker I am directed by the council to inform this house that they have concured in the bill for auditing public accounts with some amendments to which they desire the concurance of this house

ask the Council's concurrence (*post,* 415-16). Boyd's reply is given *post,* 427-28. This action, singling out Boyd for special praise, was a partisan move by an anti-Harrison House. The resolution introduced by Dill (*post,* 409-11), acknowledging the valor and heroism of Harrison, Boyd, and Decker and Bartholomew and their men, was later rescinded (*post,* 416). The House, however, concurred in the address passed by the Council stating the Assembly's appreciation of Harrison's "superior capacity and integrity." *Post,* 411-12. See message from Harrison to the House regretting that the territorial militia had been overlooked in their resolutions and the report of the committee to which this message was referred. *Post,* 431-33, 478. See also address of appreciation to Boyd from a number of citizens of Vincennes, signed by Henry Van der Burgh as chairman, and the resolutions in reply adopted by a meeting of Vincennes citizens, Luke Decker, chairman, and Benjamin Parke, clerk, which resolved "that we can not consider the said Address in any other light than as *one* amongst *many* attempts which have flowed from the same source, to wound the feelings and injure the character of Governor Harrison." It also stated their indignation at the attack on the militia in the Address, declaring that the militia which served under Harrison was neither untutored nor undisciplined. The address is given in Esarey (ed.), *Messages and Letters,* 1:647-48. The resolutions are printed in Vincennes *Western Sun,* December 14, 1811. See also resolutions against the Van der Burgh Address by the riflemen under the command of Col. Frederick Geiger, in *ibid.,* January 4, 1812.

Mr. McFarland moved for leave to bring in a bill authorising the auditor of public accounts to audit interest in certain cases. Whereupon leave was given. He thereupon introduced[*] a bill authorising the auditor of public accounts to audit interest in certain cases—which was read the first time

On motion That the said bill be read a second time now whereupon it was carried in the affirmative it being read

On motion ordered that the said bill be refered to a committee of the whole house and made the order of the day for to day Mr. Caldwell from the committee to whom was refered the petition of Robert M Eavens and others praying for a division of Knox County Reported that the said committee according to order had the said petitions under consideration & beg leave to report by bill, which being read a first time,

On motion that the said bill be read a second time now whereupon it was resolved in the affermative

On motion ordered that the said bill be refered to a committee of the whole house and made the order of the day for saturday next[*]

On motion Resolved that the house do now proceed to consider the amendments made by the Legislative council to the bill for auditing public accounts—on the questions being put do the house concur with the amendments It was Resolved in the affermative

On motion Resolved that the house do resolve itself into a committee of the whole house on the bill authorising the auditor of public accounts to audit interest in certain cases & after some time spent therein Mr. Speaker resumed the chair and Mr Caldwell reported that the committee of the whole according to order had the said bill under consideration and made several amendments, to which they desire the concurance of the house which bill he delivered in at the clerks Table with the amendments where they were read

On the questions being put do the house concur with the report of the committee on the [*] said bill with the amendments it was carried in the affermative ays 4 noes 2 The ays & noes being called for by a member present Those who voted in the affirmative were

G W Johnston Wm. McFarland, R Rue, J. Templeton and those who voted in the negative were J Caldwell, and Peter Jones

On motion Resolved that the said bill do pass and that the Title be an act autherising the auditor of public accounts to audit interest in certain cases it was carried in the affermative ays 4 noes 2

The ays & noes being called for by a member present Those who voted in the affermative were G W Johnston Wm McFarland R. Rue J Templeton and Those who voted in the negative were J Caldwell & Peter Jones

ordered that the clerk do carry said bill to the council & desire their concurance

A message from the legislative council by Mr Sullivan their clerk Mr. Speaker I am directed by the council to inform[*] This house that they have appointed Mr. Willson as a committee of conference on their part on the bill for fixing the salleries of certain officers

Mr. McFarland from the committee of conference appointed to confer on the bill for fixing the salleries of certain officers which originated in this house reported that the legislative council do recede from their amendments to the said bill

On motion ordered that the house do concur with the said Report

ordered that the clerk of this house do inform the legislative council thereof

A message from the legislative council by Mr. Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the report of the committee of conference on the bill fixing the sallaries of certain officers[*]

On motion ordered that the house adjourn

Tuesday November 26th 1811

The house met agreeable to adjournment

Mr Dill from the committee appointed on the petition of John Levingston and others; have according to order had the said petition under consideration and beg leave to report by bill. A Bill

fixing the times of holding the courts in certain counties in this Territory and for other purposes—It being read

On motion Resolved that the said bill be committed to a committee of the whole house and made the order of the day for today

The house Resolved itself into a committee of the whole house on the Bill fixing the times of holding the courts in certain Counties in This Territory and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr. Rue reported that the committee of the whole had according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house which he delivered in at the clerks table where they were read[*]

On motion that the house concur with the report of the committee of the whole on the said Bill—on the questions being put do the house [concur] in the report in the said bill with the amendments It was carried in the affermative

On motion Resolved that the said bill be engrossed and read a a second time now it being read

On motion ordered that the said bill be read a third time now it being read

On motion Resolved that the said bill do pass and that the title be an act fixing the times of holding the courts in certain Counties in This Territory & for other purposes

Ordered that the clerk do carry the said bill to the Council & desire their concurance

A message from the legislative council by Mr. Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that they have passed an act authorising the several courts of record in this Territory to change the venue in in certain cases —To which they desire the concurance of this house[*]

On motion ordered that the house do now, proceed to consider the bill from the Legislative Council authorising the several courts of Record within this Territory to change the venue in certain cases—It being read

On motion Ordered that the house do now resolve itself into a committee of the whole house on the bill authorising the several

courts of Record within this Territory to change the venue in certain cases, and after some time spent therein Mr. Speaker resumed the chair and Mr McFarland reported that the committee of the whole had the said bill according to order under consideration and made several amendments thereto to which they desire the concurance of the house which he delivered in at the clerks Table with the amendments where they were read

On the questions being put do the house concur with the report of the committe of the whole on the said bill with the amendments, It was carried in the affirmative

On motion Resolved that the said [bill] be ingrossed & read a second time now it being read & engrossed

On motion Resolved that the said bill be read a third now it being read[*]

On motion Resolved that The said bill do pass & that the title be an act authorising the several courts of record in this Territory to change the venue in certain cases

Ordered that the clerk do carry said bill with the amendments to the Legislative Council & require their concurance.[20]

A message from the legislative council by Mr. Sullivan their clerk Mr Speaker I am directed by the council to inform this house that they have concured in the bill authorising the auditor of public accounts to audit interest in certain cases with some amendments to which they desire the concurance of this house they being read

On motion Resolved that the house do concur in the amendments made to the said bill by the legislative Council

Ordered that the clerk of this house do inform the Council thereof

Mr Caldwell presented a petition from the society called shakers praying to be exempt from militia duty[*][21]

20 Though this bill passed both the House and the Council and was declared duly enrolled (*post,* 400, 401-2, 407), it apparently failed to receive the Governor's approval since it does not appear among the laws for this session.

21 The General Assembly in 1810 included a clause in an act supplementary to the militia act, exempting Quakers from militia service in peace time, but making them subject to special taxation in time of war.

On motion ordered that the said petition be refered to the committee appointed on the petition of John Livingston & others

Mr McFarland presented the petition of Bengamen V Beckes praying for a divorce

On motion Resolved that the said petition be refered to a select committee Messr McFarland Jones and Caldwell were appointed

Mr McFarland from the committee to whom was refered the petition of Bengamen V Beckes have according to order had the the said petition under consideration and beg leave to report by bill, A Bill to disolve the marriage of Benjamin V. Beckes with sally his wife which being read a first time

On motion that the said bill be engrossed read a second time now whereupon it was resolved in the affermative it being engrossed & read

On motion Resolved that the said bill be read a third time now Thereupon it was resolved in the affermative it being read[*]

On motion Resolved that the said bill do pass and that the title be an act to desolve the marriage of Benjamen V. Beckes with Sally his wife

Ordered that the clerk of this house do inform the Legislative Council thereof & desire their concurance

Mr McFarland from the committee of enrolled bills Reported that the said committee had compared the engrossed with the following enrolled bills 1st an act for recording Town plats 2d an act for fixing the salaries of certain officers—3d an act providing for the auditing of claims against the Indiana Territory and for other purposes and do find the same duly enrolled—Whereupon The Speaker signed the same

Ordered that the clerk do inform the legislative Council thereof and desire the signiture of the presedent thereto

On motion ordered that the house adjourn[*]

However, this was repealed by the militia act passed during this session, and a clause added making it lawful for persons conscientiously opposed to bearing arms to exempt themselves from militia duty in peace time only by payment of an annual fine. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 181, 281. Said Johnston, "and they [the Quakers] as also the Shakers may quiet their consciences in time of peace by the payment of a certain sum in labor." Vincennes *Western Sun,* December 28, 1811.

Wednesday 27th of November 1811

The house met agreeable to adjournment

Mr. Dill from the committee to whom was refered the petition of John Levingston and others have acording to to order had the same under consideration and beg leave to report in part by bill A bill to amend the act entitled an act for the trial of small causes and for other purposes It being read

On motion Resolved that the said bill be refered to a committee of the whole house and made the order of the day for to day

The house Resolved itself into a committee of the whole house on the bill to amend the act entitled an act for the Trial of small causes and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr Rue reported that the committee of the whole according to order had the said bill under consideration and made some progress therein and desire leave to sit again—Upon the questions being put shall the committee of the whole have leave to sit again It was resolved in the affermative[*]

A message from the Legislative council by Mr Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that the president of the council has signed the following acts viz an act fixing the salaries of certain officers—an act for recording Town plats—an act providing for the auditing of claims against the Indiana Territory and for other purposes—Also that they have concured in the bill to desolve the marriage of Benjamin V Beckes with Sally his wife. Also that they have disagreed to the amendments made by this house to the bill from the Legislative Council autherising the several courts of Record within this Territory to change the venue in certain cases & that they have appointed Mr. Manwaring as a committee of conference on the said bill and require a semelar appointment on the part of this house

A message from the legislative Council by Mr Sullivan their Clerk Mr Speaker I am directed by the Legislative Council to inform this house that the Council have disagreed to the resolutions from this house, addressed to John[*] P Boyd and the

officers & men under his command composing the 4th regiment of the United States infantry

Mr. Dill from the committee to whom was refered the petition of John Levingston and others have according to order had the same under consideration and beg leave to report in part by Bill A Bill autherising the courts of common pleas to issue writs of certiorari and habeas corpus in certain cases which was read a first time

On motion that the said bill be engrossed and read a second time now whereupon it was resolved in the affermative It being engrossed & read

On motion that the said bill be read a third time Whereupon it was resolved in the affermative It being read

On motion that the said bill do pass & that the title be an act autherising the courts of common pleas to issue writs of certiorari & habeas corpus in certain cases whereupon it was resolved in the affermative

On motion ordered that the clerk do enform the council thereof & desire their concurance[*]

On motion ordered that Mr McFarland be appointed a committee of conference on the part of this house to confer with the committee on the part of the Legeslative council on the bill authorising the several courts of record in this Territory to chang the venue in certain cases Mr. McFarland from the committee of conference on the bill authorising the several courts of record in this Territory to change the venue in certain cases have according to order performed that duty & beg leave to report That the house of Representatives adhere to their amendments made to the said bill and that the legislative council recede from their objections

Mr. McFarland from the committee of enrolled bills reported that the said committee had compared the engrossed with the following enrolled bills viz 1st an act authorising the auditor of public accounts to audit interest in certain cases and find the same duly enrolled whereupon the speaker signed the same

A message from the Legislative council by Mr. Sullivan their clerk[*] Mr. Speaker I am directed by the legislative Council to inform this house that the Council had concured in the report

of the committee of conference on the bill authorising the several courts of records within this Territory to change the venue in certain cases

On motion Resolved that the house concur with the report of the committee of conference on the bill authorising the several courts of record within this Terretory to change the venue in certain cases

On motion ordered that the petition of John Harvy and others be refered to the committee appointed on the petition of John Levingston & others

On motion ordered that the house adjourn

Thursday November 28th 1811

The house met agreeable to adjournment

Mr. McFarland from the committee of enrolled bills reported that on the 27th instant they had presented to the Governor for his signiture[*] The following acts viz

1st an act for recording Town plats—

2d an act providing for the auditing of claims against the Indiana Territory & for other purposes—

3d an act to amend an act for the removal of the seat of justice of Clark County

4th an act for fixing the permenant seat of justice for the County of Franklin

5th An act for dissolving the marriage of Elizebeth Rennels with Samuel Rennels her husband

6th an act establishing the seat of justice in the County of Wayn

7th an act to dissolve the marriage of Elizebeth Richardson with Isaac Richardson her husband

8th an act fixing the salaries of certain officers

9th an act dissolving the marriage of Jane Richardson with Jacob Richardson

10 an act authorising the auditor of public accounts to audit interest in certain cases[*]

Mr. McFarland from the committee of enrolled bills reported that they have compared the following engrossed with the enrolled

bill viz A bill to dissolve the marriage of Benjamin V Beckes and Sally his wife and find the same duly enrolled

Mr. Jones presented a memorial from James Hamilton collector of Dearbon County praying for relief as such collector[22]

On motion ordered that the said memorial be refered to a select committee Mess Jones—McFarland and Caldwell

On motion ordered that the house adjourn

Friday November 29th 1811

The house met agreeable to adjournment

Mr. McFarland from the committee to whom were refered the petitions of William Hellis and others respecting the mode of Elections have according to order had the same under consideration and beg leave to Report by bill—A Bill regulating the General elections of the Indiana Territory—It being read

On motion that the said bill be[*] engrossed and read a second time now—It was carried in the negative—

On motion Resolved that the said bill be committed to a committee of the whole house and made the order of the day for to day

Mr. Caldwell moved for leave to bring in a bill in amendment and aid of the law entitled an act regulating Prison and prison bounds Thereupon leave was given Whereupon he introduced a Bill in amendment and aid of the law entitled an act regulating prison & prison bounds which was read the first time

On motion that the said bill be committed to a committee of the whole house and made the order of the day for to day

Mr Dill from the committee to whom was referred the peti-

[22] Hamilton had fallen behind in his tax collections. Under the 1807 act (Philbrick [ed.], *Laws, 1801-9,* pp. 597 ff.), sheriffs served in the capacity of collectors of land taxes, and were liable for all taxes due the county. In instances of delinquency they were authorized to sell enough of the land on which arrearages were due to make up the amount in arrears. Times were hard; there was little money and payments fell behind. Also there was little market for the land put up for sale to make up delinquencies. See the report on Hamilton's petition, *post,* 417-20, and the act passed for his relief in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 238-39. See also report on petition from Isaac Shelby, sheriff of Clark County, for relief, *post,* 437.

tion of John Levengston & others have according to order had the said petition under consideration & and beg leave to report in part by Bill A Bill in amendment & aid of the several[*]acts concerning the admission and practice of attornies and counsellors at law[23] It being read

On motion Resolved that the said Bill be refered to a committee of the whole house and made the order of the day for to morrow

Mr. Dill from the committee to whom was refered the papers and documents relative to the charges against the judges of the court of common pleas of the County of Wayn have according to order had the same under consideration & beg leave to make the following Report—Your committee are of opinion upon due examination of the said papers and documents, that they have on the face of them; evidence that they have originated in malice and party spirit—and that they contain no good grounds of impeachment against the said judges

Resolved therefore that the said Documents & papers be no farther noticed in this house

The house Resolved itself into a committee of the whole house[*] on the Bill regulating the General Elections of the Indiana Territory and after some time spent therein Mr Speaker Resumed the chair and Mr. Templeton Reported that the committee of the whole according to order had the said bill under consideration and had made several amendments thereto, to which they desire the concurance of the house which he delivered in at the clerks table It being read Upon the questions being put do the house concur in the report of the committee of the whole on the said Bill It was Resolved in the affermative

On motion Resolved that the said bill be ingrossed & read a second time now It being engrossed & read On motion Resolved that the said bill be read a third time now It being read On motion Resolved that the said bill do pass and that the title be an act regulating the General Elections of the Indiana Territory

[23] This bill was rejected by the Council and they refused to reconsider their decision. *Post,* 416, 437, 440.

On motion ordered that the clerk do inform the Council thereof & desire their concurance thereto[*]

A message from the Legislative Council by Mr. Sullevan their Clerk Mr Speaker I am directed by the Council to inform this house that they have passed an address to William Henry Harrison and the army under his direction in the late expedition against the shawny prophet & his confederates—to which they desire the concurance of this house Mr. Jones presented a petition from Henry Hurst and John Harbison praying for relief for the representatives of John McCandless & Spier Spencer Late sherriffs of the counties of Knox and Harrison

On motion ordered that the said petitions be refered to a select committee Messr. Jones McFarland and Rue were appointed

Mr Jones from The committee to whom was refered the petition of Henry Hurst & John Harbison praying for relief for the representatives of the late sheriffs of Knox & Harrison counties deceased have according to order had the said petition under consideration & beg leave to report by bill[*] A Bill for the relief of the securities of John McCandless late sheriff of Knox County and Spier Spencer late sheriffs of Harrison County deceased It being read a first time

On motion that the said bill be engrossed and read a second time now whereupon it was resolved in the affermative It being engrossed and read

On motion That the said bill be read a third time now whereupon it was resolved in the affermative it being read

On motion Resolved that the said bill do pass and that the title be an act for the relief of the seurities of John McCandless late sheriff of Knox County and Spier Spencer late sheriff of Harrison County deceased

Ordered that the clerk do inform the Council thereof & desire their concurance

On motion Resolved that Mr. Dill and Rue be added to the committee appointed on the petition of James Hamilton[*]

On motion ordered that the address to William Henry Harrison and the army under his direction in the late expedition against the shawny prophet and his confederates; be committed

to a committe of the whole house and made the order of the day for monday next

On motion ordered that the house adjourn

Saturday November 30th 1811

The house met agreeable to adjournment

The Speaker laid before the house the Report of the auditer

On motion ordered that the report of the auditor and the accompaying documents be refered to the committee of ways & means

The house Resolved itself into a committee of the whole house on the bill for erecting part of the county of Knox into a seperate county—and after[*] sometime spent therein Mr Speaker Resumed the chair and Mr. Templeton Reported that the committee of the whole house had according to order had the said bill under consideration & have made several amendments thereto; to which they desire the concurance of the house, which he delivered in at the clerks Table where they were severally read,

On motion that the house concur with the committee of the whole on the said bill whereupon it was resolved in the affermative The ays & noes being called for by a member present Those who votd in the affermative were Messr Caldwell McFarland, Rue, & Templeton and those who voted in the negative were Messr Johnston, Jones and Dill

On motion that the said Bill be engrossed & read a second time now It being engrossed & read Whereupon it was resolved in the affermative

On motion Resolved that the said bill be read a third time now It being read[*]

On motion that the said bill do pass and that the title be an act for erecting part of the County of Knx into a seperate county On the questions being put shall this bill pass The ays & noes being called for by a member present It was carried the affermative ays 5 noes 2 Those who voted in the affermative were Jno Caldwell, Jno Templeton R. Rue Wm McFarland J Dill—and those who voted in the negative were G W Johnston & Peter Jones

Ordered that the clerk do inform the Council thereof & desire their concurance thereto

Mr. McFarland from the committee of enrolled Bill have compared the following engrossed with the enrolled bills to wit 1st an act authorising the several courts of record with in this Territory to change the venue in certain cases—2d an act for the prevention[*] of dueling, and do find the same duly enrolled

The house Resolved itself into a committee of the whole house on the Bill in amendment and aid of the several acts concerning the admission and practice of attornies and counsellors at law and after some time spent therein Mr Speaker resumed the chair and Mr Caldwell Reported that the committee of the whole had according to order had the said bill under consideration and made several amendments thereto and desire the concurance of the house which he delivered in at the clerks table They being severally twice read—on motion resolved that the house do concur

On motion that the said bill be engrossed and read a second time now It being engrossed & read it was carried in the affermative

On motion Resolved that the said bill be read a third time now it being read

On motion Resolved that the said bill do pass and that the Title be an act in amendment and aid of the several acts[*] concerning the admission & practice of attornies and counsellors at law

Ordered that the clerk do inform the Legislative Council and desire their concurance thereto

The house resolved itself into a committee of the w house on the Bill in amendment and aid of the law entitled an act regulating Prison and Prison bounds and after some time spent therein Mr. Speaker resumed the chair and Mr McFarland reported that the committee of the whole had according to order had the said Bill under consideration and beg leave to report the same without amendments to which they desire the concurance of the hous which he delivered in at the clerks table—where it was read

On motion that the house concur with the report of the com-

mittee on the questions being put will the house concur? It was resolved in the affermative

On motion that the said bill be engrossed and read a second time now It being engrossed & read It was Resolved in the affirmative

On motion Resolved that the said bill be read a third time now It being read

On motion Resolved that the said bill do pass and that the title be an act in amendment and aid[*] of the law entitled an act regulating prison & prison bounds

Ordered that the clerk inform the Legislative Council & desire their concurance

A message from the legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have concured in the bill for the relief of the securities of John McCandless late sheriff of Knox County and Spier Spencer late sheriff of Harrison County with some amendments— Also an act authorising the courts of common pleas to issue writs of certiorari in certain cases— without amendments— Also that they have passed an [act] repealing part of the act entitled an act regulating County levies—To which they desire the concurance of this house

Mr. Jones presented a petition from Mary Catt praying for a devorce It being read

On motion Resolved that the said petition do lie on the Table

The house resolved itself into a committee of the whole house[*] on the Bill to amend the act entitled the act for establishing courts for the trial of small causes and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr Rue reported that the committee of the whole had according to order had the said bill under consideration and made several amendments thereto to which they desire the concurance of the house which he delivered in at the clerks Table— where they were severaly read

On motion that the house concur with the report of the committee on the said Bill on the questions being put— It was resolved in the affermative

On motion Resolved that the said bill be engrossed & read a second time now It being engrossed and read

On motion Resolved that the said bill be read a third time now

On motion Resolved that the said bill do pass and that the title be an act to amend the act entitled the act for establishing[*] courts for the trial of small causes and for other purposes

ordered that the clerk do inform the Legislative Council thereof and desire their concurance thereto

A message from the legislative council by Mr. Sullivan their clerk Mr. Speaker I am directed by the council to inform this house that the presedent of the Council has signed the following a[c]ts 1st an act for the prevention of dueling—2d an act to change the venue in certain cases—3d an act to desolve the marriage of Benjamen V. Beckes and Sally his wife—also that they have concured in the Bill from this house in amendment & aid of the law entitled an act regulating prison & prison bounds without amendment also that they have passed a Bill to amend the act entitled an [act] to encourage the killing of wolves

On motion that the house concur with the amendments made by the Legislative Council to the Bill for the relief of the securities[*] of John McCandless late sheriff of Knox County and Spier Spencer late sheriff of Harrison County deceased It was resolved in the affirmative

On motion ordered that the house adjourn untill monday next

Monday December 2d 1811

The house met agreable to adjournment

Mr. McFarland from the committee of enrolled Bills Reported that they had compared the following engrossed with the enrolled Bill Viz an act authorising the courts of common pleas to issue writs of certiorari and Habeas corpus in certain cases and find the same duly enrolled whereupon the speaker signed the same

Ordered that the clerk inform the Legislative council thereof and desire the signeture of the presedent thereto

On motion of Mr. Dill Resolved that the hous come to the following resolutions Resolved by the house of Representatives of the Indiana Territory that the thanks[*] of this house be given

to his Excellency William Henry Harrison who commanded and to the several several offecers non commessioned offecers and soldiers who served in the army under the command of His Excellency for their splendid and Heroick exertions; Their undaunted valour and steady discipline in defeating the Hostile tribes of Indians confederated under the command of the shawny prophet on the morning of the 7th of November 1811. And this too under circumstances of disadvantage almost unparalleled. The said troops having been desperately attacked before day light on that morning

Resolved that this house doth highly approve of and acknowledge the distinguished regularity, discipline, coolness and valour, displayed by Colo. John P. Boyd The second in command; by the offecers non commissioned offecers and private soldiers composing the 4th Regiment United States infantry and serving under the command of the said Wm Henry Harrison in the late memorable and brilliant battle, and that the same[*] be signifyed to them by the said Colo. John P. Boyd who is requested to receive for himself the thanks of this house and to communicate the same to the officers and men of his said corps for their distinguished and exemplary conduct on that occasion

Resolved that this house doth also highly approve of and acknowledge the distinguished valour and heroism displayed by Colo. Luke Decker and Colo. Joseph Bartholomew the officers non commissioned officers and privates composing the different corps of militia under their command and that they do make the same known to their respetive corps—

Resolved that a committee from this house do present to his Excellency the commander in chief—To Colo. John P Boyd the second in command, To Colo. Decker & Colo Bartholomew each a copy of these resolutions and that they be also published in the Western Sun Messr. Dill, Rue and McFarland were appointed such committee

A message from the governor by Mr Gibson his secretary Mr Speaker[*] I am directed by the Governor to lay before this house the enclosed communication with the accompanying docu-

ments which when examined by this house he requests that they should be communincated to the Legislative Council

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I herewith transmit you an original communication from certain Gentlemen in the State of New York who have been appointed commissioners by the legislature of that State for the purpose of devising the means of forming a communecation by a land navegation between the waters of the Great lakes and those of the Hudson River—Permit me to recommend the subject to your attention and that instructions be given to our delegate in Congress to promote the success of the application which will be made to that body by the representatives of the state of New york by every means in his power

WILLIAM HENRY HARRISON[*]

VINCENNES 2d Decr 1811

On motion ordered that the communication of the Governor with the accompanying documents be refered to a select committee Messr. McFarland, Caldwell and Dill were appointed—[24]

The House Resolved itself into a committe of the whole on the following resolution from the Council

TO HIS EXCELLENCY WILLIAM HENRY HARRISON Governor and commander in chief in and over the Indiana Territory

When in the course of human events it becomes necessary for a Nation to unsheath the sword in defence of any portion of its citizens—and any individual of socity becomes entrusted with the important charge of leading the army of his country into the field to scourge the assailents of its rights. And it is proved by the success of their arms that, that individual possesses superior capacity accompanied by integraty and other quallities of the mind which adorn the human character in a superlative degree— It has a tendency to draw out the affections of the[*] people in a way that must be grateful to the soldiar and the man—such is the

[24] The report of this committee is given *post,* 475-76. The preceding year, 1810, had seen the Erie Canal, to connect the Hudson River with the Great Lakes, become the project of the powerful De Witt Clinton.

ligh[t] sir in which you have the honour to be viewed by your Country and one which the Legislative Council and house of Representatives of the Territory Think you justly entitled to

And sir in duly appreciating your services, we are perfectly sensible of the great benefits & important services rendered by the officers & soldiers of the United States infantry under your command and it is with pleasure we learn that the officers & militiamen of our country acted with an heroism more than could be reasonably calculated upon from men (such as they generally were) undisciplined and unaccustomed to war

Resolved that a joint committee attend to the ensertion of the foregoing address in the Western Sun for one week

And after some time spent therein Mr. Speaker resumed the chair and Mr. Jones Reported the resolution without amendment & desired The concurance of the house which he delivered in at the clerks table

On motion that the house [*] concur with the report of the committ[ee] of the whole on the said Resolution The ays & noes being called for by a memb[er] present It was Resolved in the affirmative ays 4, noes 3—Those who voted in the affermative were Messr Johnston, McFarland, Rue & Templeton and those who voted in the negative were Messr. Caldwell, Dill and Jones

On motion ordered that a committee on the part of this house be appointed to act with the committee on the part of the Legislative Council to attend to the insertion of the foregoing resolution in the Western Sun for one week Mr McFarland was appointed

Mr. Dill moved for leave to bring in a bill for regulating the appointment of offecers and for other purposes Thereupon leave was given—Whereupon he introduced a bill Regulating the appointment of officers and for other purposes which was Read the first time

On motion that the said bill be engrossed & read a second time now It being engrossed & read It was resolved in the affermative[*] On motion Resolved that the said bill be read a third time now It being read It was carried in the affermative

On motion Resolved that the said bill do pass and that the title be An act for regulating the appointment of officers and for other purposes.

Ordered that the clerk carry the said bill to the legislative Council & desire their concurance thereto

The house proceeded to consider the bil[l] from the Legislative Council Repealing part of the act entitled an act regulating County levies, It being read

On motion Ordered that the said bill be refered to a committee of the whole house and made the order of the day for tomorrow

The house proceeded to consider the Bill from the Legislative Council to amend the act entitled an act to encourage the killing of wolves It being read[*]

On motion ordered that the said Bill be refered to a committee of the whole house and made the order of the day for to day

The house Resolved itself into a committee of the whole on the Bill from the Legislative Council, to amend the act entitled an act to encourage the killing of wolves and after some time spent therein Mr Speaker resumed the chair and Mr Rue Reported that the committee of the whole house had the said Bill under consideration and made several amendments thereto to which they desire the concurance of the house which he delivered in at the clerks Table where it was read

On motion that the house concur with the report of the committee of the whole on the said bill On the question being put do the[*] house concur, It was Resolved in the affermative

On motion that the said bill be engrossed & read a second time now It being engrossed & read It was Resolved in the affermative

On motion Resolved that the said bill be read a third time now It being read

On motion Resolved that the said bill do pass and that the title be an act to amend the act entitled an act to encourage the killing of wolves

Ordered that the clerk do enform the Council thereof and desire their concurance thereto

On motion ordered that the house adjourn

Tuesday Decmber 3d 1811

The house met agreeabl to adjournment[*]

A message from the Legislative Council by Mr. Sullivan their clerk. Mr. Speaker I am directed by the Council to inform this house that they have concured in the amendments made by this house to the Bill to amend the act entitled an act to encourage the the killing of wolves Also that the president has signed the act authorising the courts of common pleas to issue writs of certiorari & habeas corpus in certain cases—Also that they have passed an act in amendment & aid of the law entitled an a[c]t for opening and regulating public roads and highways

On motion The house proceed to consider the Bill from the Legislative Council entitled an act in amendment and aid of the law entitled an a[c]t for opening and regulating public Roads and highways[*] which being read the first time

On motion ordered that the said Bill be read a second time now It being read

On motion ordered that the said bill be engrossed & read a third time now It being engrossed & read

On motion ordered that the said bill do pass and that the title be an act in amendment and aid of the law entitled an act for opening and regulating public roads and highways

Ordered that the clerk do inform the Legislative Council thereof

On motion Resolved that Mr McFarland be a committee to wait on Elihu Stout & know from him upon what terms he will print five hundred copies of the acts & resolutions of the present session[*] making thereto marginal notes and an index likewise two hundred copies of the Journals of both houses in octavo stitched—and the time at which he would be ready to deliver the same and that he report thereon to this house

Mr McFarland from the committee of enrolled bills reported that they had this day presented to The Governor for his signiture The following acts viz 1st an act to desolve the marriage of Benjamin V Beckes and sally his wife—2d an act for the prevention of dueling—3d an act to change the venue in certain cases

On motion ordered that the house adjourn

Wednesday December 4th 1811

The house met agreeabl to adjournment[*]

The house Resolvd itself into a committee of the whole house on the state of the Territory—and after some time spent therein Mr. Speaker resumed the chair and Mr. Caldwell reported that the committee of the whole house had come to the following resolutions to which they desire the concurance of the house, and which he delivered in at the clerks table where they were severally read

Resolved by the house of Representatives of the Indiana Territory that the thanks of this house be given to Colo John P Boyd the second in command, to the offecirs non commissioned offecirs, and private soldiers composing the fourth United States regiment of infantry together with all other United States troops under his command; for the distinguished rgularity, descipline[*] coolness and undaunted valour, so eminantly desplayed by them, in the late brillient and glorious Battle fought with the shawny prophet and his confederates on the morning of the 7th of November 1811 by the army under the command of his Excellency William Henry Harrison

Resolved that the said Colo John P Boyd be requested to communecate the foregoing to the offecirs non commissioned offecirs and privates belonging to the said fourth Regement and that a copy of these resolutions signed by the speaker of this house be presented to the said Colo Boyd By a committee of this house

Resolved by the house of Representatives of the Indiana Territory[*] that the thanks of this house be presented to Colos Luke Decker and Colo Joseph Bartholomew the offecirs non commissioned offecirs and men composing the militia corps under their command, together with the offecirs non commissioned offecirs and soldiers composing the volunteers militia corps from the state of Kentucky for the distinguished valour, Heroism and Bravery, displayed by them in the Brillient battle fought with the shawny prophet and his confederates on the morning of the 7th of November 1811 by the army under the command of His Excellency William Henry Harrison

Resolved that a copy of these resolutions be published in the Western sun

On the question, being put will the house concur with the[*] report of the committee on the foregoing resolutions— It was carried in the affermative

On motion Resolved that the resolutions of thanks to Wm. H. Harrison Colo. John P. Boyd—Colos Luke Decker & Bartholomew adopted by this house on the second of December be and the same is hereby recinded

A message from the Legeslative Council by Mr. Sullivan their clerk Mr Speaker, I am derected by the council to enform this house that they concured in the act regulating the General elections of the Indiana Territory with an amendment to which they desire the concurance of this house Also that they have rejected the bill from this house in amendment[*] and aid of the several acts concerning the admission and practice of attornies and counsellors at law & then he withdrew

Mr. McFarland from the committee of enrolled bills reported that the committee had compared the following engrossed with the enrolled bills viz 1st an act in amendment and aid of the law entitled an act regulating prison & prison Bounds

2d an act for the releif of the securities of John Mc Candless late sheriff of Knox County and Speir Spencer late sheriff of Harrison County

3d an act to amend an act entitled an act to encourage the killing of wolves and find the sam duly enrolled whereupon the speaker signed the same[*]

Ordered that the clerk of this house do carry the said several Bills to the Legislative Council & inform them thereof and desire the signiture of the presedent thereto

A message from the Legislative Council by Mr. Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that the presidint of the Council has signed the joint .resolution of the two houses giving thanks to his Excellency Governor Harrison and requests The signiture of the speaker of this house thereto and then he withdrew Whereupon the Speaker signed the same

Ordered that the clerk inform the Legislative Council thereof

On motion Resolved that Mr. McFarland be a committee[*] to wait upon the Territorial Auditor and request him to have printed immedeately such quantity of blank warrants as may be thought necessary for the present pursuant to the act passed at the present session for auditing claims against the Territory

A message from the legeslative Council by Mr. Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that the president has signed the act for the releif of the securities of John McCandless late sheriff of Knox County and Spier Spencer late sheriff of Harrison County also an act in amendment and aid of the law entitled an act regulating prison & prison & prison bounds

Mr. Caldwell from the committee to whom was refered the petition of Jas Hamilton beg leave to report in part[*] as follows; your committee finding the subject so diffecult of investigation and not being in possion of the necessary documents by which they could annalize an liquidate the accounts of the petitioner, They therefore refered the petitioner to the auditor to lequidate his accounts and the auditor after a full investigation of the case has made the following statement to your committee, which they refer to the consideration of the house and beg leave to be discharged from any further consideration of the subject Where upon motion the said committee were discharged

The honorable committee appointed on the petition of James Hamilton Esqr Your petitioner and myself have agreed to the enclosed account marked A with the exception of the interest thereon charged In making this charge your[*] commissioner has been governed by custom law decisions of courts of law and equity— We find from law decisions of courts and decrees in chancery that interest grows out of all liquidated demands, and in chancery ten, & as much as fifteen per cent has been dcreed for the detention of money—Finding this to be the case your commissioner cannot agree with the petitioner, that, that is an inequitous charge—

Your commissioner cannot admit the account of the petitioner marked B It is indeed not only loose in the extreme but from its

magnitude really alarming not even supported by the affedavit of the petitioner himself—If such vague & loose demands are once admitted I will venture to say you open a door fatal to your Treasury. From an examination of the account A you will find a[*] credit admitted for 35 05/100 for delinquents which appear from the notes of your petitioner on the face of the duplicate the foundation of which is indeed rotten and would be rejected by your commissioner if acting in any other capacity

From a view of all the matter and subjects submitted to your commissioner he cannot but report that there is a ballance justly due the Territory from your petitioner of one thousand three hundred and thirty six dollars eighty four and a half cents

All of which is respectfully submitted to your better Judgement

I am respectfully Your obt St

WM PRINCE Commissioner

The Honble Committee on the petition of Jas Hamilton[*]

Dr James Hamilton Collector of Dearbon County

For amount of duplicate of taxation for the years 1806 & 1807.....	$1168.41½	
Interest on the above sum from the 13th of Nov 1807 at which time it ought to have been accounted for by law untill the 13th Nov 1811.....	$ 376.36	1944 77½
Amount of duplicate for the years 1808 & 9	$1159.54	
Interest thereon from the 13th Nov 1809 till the 13th Nov 1811.....	139.14	1298 68
Amount of Ditto for the year 1810....	$ 579.77	
Interest from the 13th Nov 1810 till the 13th Nov 1811	. . 34.78	614 55
To ballance due the Indiana Territory on the 13th November 1811 and brought down and in which is not included the tax for 1811.....		$3858 00½
		1336 84½

Account A with the Indian[a] Territory	Cr	
By the auditors recipt of the 7th Mar 1809	$1210.93¼	
Interest thereon since that date.....	127.13¾	1338 07
By Ditto ditto of 6th September 1811	$ 999.20	
Interest thereon since that date.....	14.95	1014 15
By his commission on $1159 54/100 amount of tax for 1808 & 9.....	$ 81.16	
Interest thereon since that date to wit the 13th Nov 1809.....	9.72	90 88
By commission on $579.77 amount of tax for the year 1810	40.58	
Interest since the 13th Nov 1810.....	2.43	43.01
By sundry delinquent accounts as marked on the face of the duplicate & not well authenticated		35.05
		$2521 16
By amount due & carried down.....		1336 84½
		[*]
		$3858 00½

Account B

Indiana Territory

To James Hamilton Dr

To amount of Delinquents for 1806 & 7	$357.48
Interest from the 13th Nov 1807.....	85.79
Amount of delinquents for 1808 & 9....	334.11
Interest from the 13th Nov 1809.....	40.09
Amount of delinquents for 1810.....	211.63
Interest from 13th Nov 1810.....	12.69
	$1041:79

392.54 This sum was authorised by law revised code 531[25]
223.63¼
2.40
2.10
2.10
1 50
1 38½

234.12¼ — [233.11¾] [*]

A message from the legislative Council by Mr. Sullivan their Clerk. Mr. Speaker I am directed by the Council to inform this house that they have appointed Mr. Wilson as a committee on their part to attend to the printing of the address to William Henry Harrison Governor and commander in cheif of the late expedition against the shawny prophet & his confederates

On motion Resolved that a committee of conference be appointed on the part of this house to confer with a simelar committee on the part of the Legislative Council on the bill to regulate the admission and practice of attornies and counsellors at law, Mr. Dill was appointed such committee

On motion ordered that the clerk do carry the petitions of the present and last year for and against the[*] division of the County of Knox to the Legislative Council

On motion ordered that the house adjourn

Thursday December 5th 1811

The house met agreeable to adjournment

On motion Resolved that the house do now proceed to consider the amendments made by the Legislative Council to the Bill regulating the general electons of the Indiana Territory

On motion that the house do concur with the amendmints made by the Council to the said Bill. Whereupon it was Resolved in the negative

25 The reference is to the 1807 law which required the collector of taxes in Dearborn County to reimburse those persons who had paid taxes in 1806 on land assessed before purchase was completed. Philbrick (ed.), *Laws, 1801-9,* pp. 602-3.

On motion Resolved that a committee of conference be appointed on the part of this house to confer with a simelar committee on the part of the Legislative Council on the amendments made by the Council to the bill regulating the general elections[*] of the Indiana Territory Mr. Caldwell was appointed ordered that the clerk do inform the legislative council thereof and desire a simelar appointment on their part

Mr. McFarland from the committee of enrolled Bills reported that the committee had on yeasterday presented to the governor for his signiture the following acts viz

1st an authorising the Courts of common pleas to issue writs of Habeas corpus and certiorari in certain cases

2d an act to amind an act entitled an act to encourage the killing of wolves

3d an act in amendment and aid of the law regulating prison & prison bounds

4th an act for the releif of the securities of John McCandless late sheriff of Knox County and Spier Spencer late sheriff of Harrison County[*]

On motion Resolved that the clerk do make out and attest a copy of the resolutions which were entered into by this house on the 4th instant giving thanks to Colo John P Boyd and to Colos Luke Decker & Joseph Bartholomew &c and that the speaker transmit them to his excellency Governor Harrison

On motion The house resolved itself into a committee of the whole house on the memorial of James Hamelton Collector of Dearbon County—and after some time spent therein Mr. Speaker Resumed the chair and Mr Templeton reported that the committee of the whole according to order had the said memorial under consideration and have made some progress therein and desire leave to sit again—On The questions[*] being put shall the committee of the whole on the memorial of James Hamilton have leave to sit again It was Resolved in the affirmative

A message from the Legislative Council by Mr Sullivan their Clerk Mr. Speaker I am directed by the Council to inform this house that they have appointed Mr Manwaring as a committe of conference on the Bill regulating the general elections of the

Indiana Territory—Also that they have appointed Mr. Wilson on a simelar committee on the bill for regulating the admission and practice of attornies and counsellors at law

A message from the Governor by Mr Hurst his private secretary. Mr Speaker I am directed by his Excellency the Governor to inform this house that he has this day approved and signed the following acts[*] Viz

1st an act to dissolve the marriage of Elizebeth Richardson with Isaac Richardson her husband

2d an act dissolving the marriage of Jane Richardson with Jacob Richardson

3d an act authorising the auditor of public accounts to audit interest in certain cases

4th an act providing for the auditing of claims against the Indiana Territory and for other purposes—

5th an act for recording of Town plats

6th an act to amend an act for the removal of the seat of Justice of Clark County

7th an act for fixing the permenant seat of Justice in & for the County of Franklin

8th an act fixing the sallaries of certain offecirs

9th an act establishing the seat of Justice in the County of Wayn

10th an act for the relief of the securities of John McCandless late sheriff of Knox[*] County and Spier Spencer late sheriff of Harrison County—

11th an act in amendment and aid of the law intitled an act regulating prison and prison Bounds

and also he has directed me to deliver to this house The following written communication

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES I cannot give my consent to the act which originated in your house entitled an act for dissolving the marriage of Benjamin V Beckes and his wife Sally Because the said act declares that the "said sally has been guilty of the crime of Beggamy an illegal marriage" &c one of the fundemental principles of our law is that every person shall be presumed innocent untill they are legally convicted by a competant Tribunal—That Tribunal in our country can be no

other than a court of Justice with[*] the aid of a Jury—The legislature is incompetant to the trial of a person for any crime, and the said Sally Beckes has never evin been arraigned before any other Tribunal— I am much inclined to believe that the case of Benjamin V Beckes is one that requires legislative interposition, and I will give my consent to a law dissolving the marriage if the decleration of guilt in a way that would subject the woman to the highest penalties of the law is left out of it the presedent of establishing the guilt of a person before they are brought to trial is of such a dangerous tendency that you will I am sure upon further consideration agree with me as to the propriety of changing the phraseology of the act under [consid]eration—

WILLIAM HENRY HARRISON[26]

INDIANA TERRITORY 5th Dcr 1811 [*]

A message from the legislative Council by Mr Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the bill from this house to amend the act entitled an act establish courts for the Trial of small causes with several amendments thereto to which they desire the concurance of this house Also that they have concured in the bill regulating the appointment offecers and for other purposes with some amendments which they also desire the concurance of this house thereto

On motion Resolved that the house do now proceed to consider the amendments made by the Legislative Council to the bill establishing courts for the trial of small causes on the questions being put will the house concur[*] to the amendments made to the said bill by the council It was carried in the negative

On motion Resolved that a committee of conference be ap-

[26] No further action on the divorce of Benjamin Beckes appears in this Journal. However, the Assembly apparently complied with Harrison's recommendations since "An Act to dissolve the Marriage of Benjamin V. Beckes, and Sally, his Wife," appears among the laws passed at this session. The law merely dissolved the "bond of matrimony" and declared that Beckes was "as completely freed from the bonds of matrimony as if he had never contracted them." Ewbank and Riker (eds.), *Laws, 1809-16,* p. 237.

pointed on the part of this house to confer with a simelar committee on the part of the L. Council on the Bill establishing courts for the trial of small causes Mr Dill was appointed such committee

Ordered that the clerk inform the Legislative Council thereof and desire a semelar appointment on their part

On motion Resolved that the house do now proceed to consider the amendments made by the Legislative Council to the bill regulating the appointment of officers[*] on the questions being put will the house concur to the amendments made to the said bill by the Council It was carried in the negative

On motion Resolved that a committee of conference be appointed on the part of this house to confer with a semmilar committee on the part of the Legislative Council on the bill regulating the appointment of officers Mr Dill was appointed such committee

On motion Resolved that the house adjourn[*]

Friday 6th 1811

The house met agreeable to adjournment

Mr. Caldwell from the committee of conference on the Bill regulating the General elections of the Indiana Territory, Reported that the committee have agreed that the Legislative Council do adhere to their ammendments made to the said Bill and that this house do receede from their objections to said amendments

On motion that the house do now concur with the report of the committee of conference on the bill regulating the General elections of the Indiana Territory on the questions being put do the house concur with the said report It was carried in the affirmative[*]

Mr. Caldwell from the committee of ways & means reported that the said committee according to order had the said subject under consideration and beg leave to report a bill in amendment of the act entitled a law to regulate County levies[27] It being read a first time

[27] General Washington Johnston made the following comments on two provisions of this act: "Complaints existing against the Sheriffs

On motion that the said bill be read a second time now on the questions being put shall the bill be read a second time now It was Resolved in the affirmative

On motion Resolved that the said bill be committed to a committee of the whole house and made the order of the day for to day

The House Resolved itself into a committee of the whole house on the bill in amendment of the act[*] entitled a law to regulate County levies—and after some time spent therein Mr Speaker resumed the chair and Mr Jones reported that the committee of the whole according to order had the said Bill under consideration and have made several amendments thereto to which they desire the concurance of the house— On the questions being put will the house concur in the report of the committee of the whole on the said Bill, It was Resolved in the affirmative

On motion that the said bill be engrossed & read a third time now It was Resolved in the affirmative

On motion Resolved that the said bill do pass and that the title be an act in amendment[*] of the act entitled a law to regulate County levies

ordered that the Clerk do carry the said act to the legislative Council and desire their concurance thereto

A message from the legislative Council by Mr Sullivan their Clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the report of the committee of conference on the Bill regulating the General elections of the Indiana Territory

Mr. Jones moved for leave to bring in a bill to authorise the

acting as County Treasurers, laws have been passed directing the courts of common pleas to appoint Treasurers, And not withstanding the odiousness of capitation taxes, yet in order to extend, under the Act of Congress, that invaluable privilege 'the right of suffrage' to as many of our citizens as possible, a tax of fifty cents is laid on single men who do not possess taxable property." Vincennes *Western Sun,* December 28, 1811; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 275, 278. Johnston refers to the act passed by Congress and approved on March 3, 1811, which granted suffrage to every free white male citizen in the territory, twenty-one years of age and over, who had paid a county or territorial tax and met the prescribed residence requirements. U. S. *Statutes at Large,* 2:659. See also *ante,* 103n-4n.

board of Trusties of the Vincennes University to sell to Burket Hughs a quarter section of land Whereupon leave[*] was given— Thereupon he introduced a Bill authorising the board of Trusties of the Vincennes University to sell to Burket Hughs a quarter section of land, which being read a first time

On motion Resolved that the said bill be read a second time it being read

On motion Resolved that the said bill be engrossed and read a third time now It being engrossed & read

On motion Resolved that the said bill do pass and that the title be an act authorising the board of Trusties of the Vincennes University to sell to Burket Hughs a quarter section of land

Ordered that the clerk[*] do carry the said bill to the Legislative Council and desire their concurance thereto

Mr Caldwell presented the petition of Isaac Shelby praying for releif as collector of clark County It being read

On motion ordered that the said petition be refered to a select committee Messr. Caldwell McFarland & Templeton were appointed.[28]

Mr. Dill presented the petition of Mary Ann Bernund with other documents, praying for a divorce It being read

On motion ordered that the said petition and other documents be refered to a select committee Messr Dill Jones & Rue were appointed[*]

On motion Resolved that a committee be appointed to carry into effect the vote of thanks to Colos John P. Boyd Luke Decker, & Joseph Bartholomew Messr. Dill, McFarland, & Rue were appointed

On motion Resolved that the house adjourn

Saturday December 7th 1811

The house met agreeable to adjournment

A message from the Legislative Council by Mr. Sullivan their clerk Mr Speaker I am directed by the Council to inform this

[28] See report on petition, *post*, 437.

house that (after one week spent) they have concured in the Bill without amendments for erecting part of the County of[*] Knox into a seperate County

Mr Dill moved for leave to bring a bill for the relief of James Hamilton sheriff of Dearbon County—whereupon motion leave was given Thereupon he introduced a bill for the Relief of James Hamilton sheriff of Dearbon County It being read the first time

On motion Resolved that the said bill be read a second time now It being read

On motion Resolved that the said bill be committed to a committee of the whole house and made the order of the day for today The house Resolved itself into[*] a committe of the whole house according to order on the bill for the releif of James Hamilton sheriff of Dearbon County and after some time spent therein Mr Speaker Resumed the chair & Mr Rue reported that the committee of the whole had according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house

On motion that the house concur with the report of the committee of the whole on the said bill Whereupon it was Resolved in the affirmative

On motion that the said bill be engrossed & read a third time now where upon it was Resolved in the affermative[*]

On motion Resolved that the said bill do pass and that the Title be an act for the releif of Jas Hamilton sheriff of Dearbon County

Ordered that the clerk do carry the said bill to the Legislative Council and desire thier concurrance thereto.

Mr Dill from the committee who were appointed to deliver to Colos Jno P Boy[d], Luke Decker, & Joseph Bartholomew the Resolution of thank of this house— Reported that they had waited on Colo John P. Boyd and presented him the Resolution of thanks of this house, to which Colo Boyd returned the following written answer

U. S. Troop main quarters Vincennes Decr 1811[*]

To the Honorable the House of Representatives of the Indiana Territory Gentlemen I have the honor for myself the offecirs and soldiers composing the Fourth Regiment U. S. Infantry The Rifle company attached and the small detachment of Posys company To return your our thanks for the distinguished notice you have been pleased to take of our conduct in the battle with the shawny prophet and his confederates on the morning of the 7th November 1811 by your Resolution of this day— If our efforts in the discharge of our duties shall have resulted in advancing the public good we are gratifyed—and to believe that we have merited this Tribute of applause from the assembled[*] Representatives of this very respectable portion of our country renders it peculiarly flattering to our honour and our pride

With much consideration and Respect Gentlemen In behalf of the offecers & soldiers of the U.S. Troops I have the honor to be your obdt. Sevt

Jno. P Boyd
Colo. 4th Inft C D

On motion Resolved that the house adjourn untill monday next

Monday December 9th 1811

The house met agreeable to adjournment[*]

The speaker laid before the house the memorial of Daniel Sullivan collector of Knox County for the year 1806 It being read

On motion Resolved that the said memorial be committed to a committee of the whole house and made the order of the day for today

The House according to the order of the day resolved itself into a committee of the whole house on the memorial of Daniel Sullivan and after some time spent therein Mr. Speaker resumend the chair and Mr. Rue Reported that the committee of the whole had the memorial had according to order had the memorial of Daniel Sullivan under consideration and have come to the following resolution to which they desire the concurance of the house Resolved that a select committee be appointed to prepare

& Report to the house a Bill for the releif of Daniel Sullivan[*] collector of Territorial tax on lands for the County of Knox for the year eighteen hundred & six On the questions being put will the house concur in the report of the committee of the whole on the memorial of Daniel Sullivan It was Resolved in the affirmative Mess Caldwell Dill & Templeton were appointed

A message from the Legislative Council by Mr. Sullivan their Clerk Mr Speaker I am Directed by the Council to inform this house that they have concured in the bill for the relief of James Hamilton collector of Dearbon County without amendments—

Mr Dill presented the petition of Nathen powel praying for releif as assessor for Dearbon County It being read

On motion ordered that the said petition be refered to a select committee Messr Dill Caldwell & Rue were appointed[*]

Mr. Dill moved for leave to bring in a bill for the removal of the temporary seat of government of the Indiana Territory—where upon leave was given and thereupon he introduced a bill for the removal of the Temporary seat of government of the Indiana Territory and fixing the same for a time at the Town of madison in the County of Jefferson and for other purposes—[29] It being read a first time

[29] The original bill, in the English Collection, Indiana Historical Society Library, is endorsed "rejected." It was vetoed by Harrison (*post,* 469-71). It provided that from and after the first day of May, 1812, the seat of government of the Territory would be fixed at the town of Madison and should remain there until the capital could, "with Safety and Convenience," be permanently fixed in the Territory, *provided* that the people of Jefferson County should furnish "a good Sufficient and Comfortable house with two Convenient Comfortable rooms and fire places therein Chairs and tables for the Accomodation of both houses of the Legislature. . . . " If this stipulation was not complied with, the legislature, at its next meeting, might adjourn to some other situation of its own choosing. The bill also provided that the officials of the Territory should remove their offices and records to Madison by the first of May next and that the Governor should be in Madison during the sitting of the legislature. Another section related to the place of holding the General Court (see *post,* 470n), and the final section repealed the act passed in 1810 relative to the location of a permanent seat of government.

The vote on this bill in the House shows the three members from

On motion that the said bill be read a second time now, It being read It was resolved in the affirmative

On motion ordered that the said bill be engrossed & read a third time now, It being read On motion to amend the said bill by striking out the eighth section of the bill It was Resolved in the affirmative

On motion that the said bill do pass and that the title be an act for the removal of the Temporary seat of government of the Indiana[*] Territory and fixing the same for a time at the Town of Madison in the County of Jefferson and for other purposes

The yeas & nays being called for by a member present and on the questions being put shall this bill pass it was carried in the affirmative ays 4 noes 3—Those who voted in the affirmative were were Messr. McFarland, Dill Templeton & Rue and those who voted in the negative were Mr. Caldwell, Johnston, & Jones

Ordered that the clerk do carry the said bill to the legislative Council Council and desire their concurance thereto

A message from the Legislative Council by Mr. Sullivan their Clerk Mr. Speaker I am directed by the Council to inform this house that the Legislative Council have rejected the bill from this house authorising the board of Trusties of the Vincennes University[*] to sell to burket Hughs a quarter section of the simenary land

A message from the Governor by Mr. Hurst his private secretary Mr. Speaker I am directed by the governor to hand to this house the enclosed written communecation

To the Legislative Council and House of Representatives

Fellow Citizens The joint address of the two houses which was delivered to me on the 5th instant by your committee

Knox lined up against the stronger faction from the eastern counties. There was no representative from Clark or Harrison counties present to vote. See Harrison's veto message (*post*, 469) for his comment on this. His statement that the Clark and Harrison representatives would have opposed this bill was probably wishful thinking on his part. They might not have preferred Madison over some other sites, but there is no reason to think that they wished the capital to remain at Vincennes.

was received with feelings which is more easy for you to conceive than for me to discribe— Be pleased to accept my sincereest thanks for the favourable sentiment which you have been pleased to express of my conduct as the commander in chief of the late expedition, and be assured that the good opinion of the Indiana and[*] their Representatives will ever constitute no small portion of my happiness

If any thing could add to my gratitude to you Gentlemen it is the Interest you take in the welfare of those brave fellows who fought under my command—Your memorial in their [behalf] to the congress of the United States does equal honor to the Heads and hearts of those in whose name it is sent and is worthy of the legislature of the Indiana Territory

WILLM. HENRY HARRISON

Decr. 9th 1811

A message from the governor by Mr. Hurst his private secretary. Mr. Speaker I am directed by the governor to hand to this house the following written communecation

GINTLEMEN OF THE HOUSE OF REPRESENTATIVES—

Your speaker has transmitted to me two resolutions of your house[*]expressive of your thanks to Colo. John P Boyd and the officers and soldiers of the 4th United States Regiment to Colo. Bartholomew and Decker and the officers and privates of the Militia under their command also to the Kentucky Volunteers for their bravery and good conduct in the action of the 7th ultimo— It has excited my astonishment and deep regret to find that the Riflemen of this Territory who so eminantly distinguished themselves and the squadron of Dragoons whose conduct also was highly meritorious have on this occasion been totally neglected— I cannot for a moment suppose Gentlemen that you have any other wish than that of rendering impartial Justice to all the corps I cannot believe that you have the smalle[st] tincture of that disposition which certainly elsewhere prevails to disparage the conduct of the militia and to deprive them of their share of the Laurels which have been so dearly purchased by the blood of some[*] of our best and bravest citizens No— I can never sup-

pose that it was your intention to insult the shades of Spencer McMahon & Berry, by treating with contempt the corps which their deaths have contributed to emmortalize— Nor will I believe that a Daveiss a White a Randolph and a Mahon have been so soon forgotten; or that the corps to which they belong and which faithfully performed its duty was deemed unworthy of your notice— The omission was certainly occasioned by a mistake but it is a mistake by which if not rectified the fealings of a whole County and a part of an other now abounding with widows and with orphans the unhappy consequence of the late action will be wounded and ensulted— The victory of the 7th ultimo Gentlemen was not gained by any one corps but by the efforts of all some of those indeed more particularly distinguished[*] themselves and of this number was the 4th United States Regiment— In my official report to the secretary of War. I have mentioned them in such terms of approbation that if stronger are to be found in the English language I am unacquainted with them— But I have not given them all the honor of the Victory, to have done so I should have been guilty of a violation of truth of Justice and a species of treason against our Republic itself where the peculiar and appropriate force is its militia— With equal pride and pleasure then do I pronounce that notwithstanding the regular troops behaved as well as men ever did many of the militia Companies were in no wise inferior to them of this number was the mounted Riflemen commanded by Capt Spencer To them was committed the charge of defending the right flank of the[*] army— That it could not have been committed to better hands Their keeping the ground (Indeed gaining upon the enemy) for an hour and an half with unequal arms against superior numbers and amidst a carnage that might have made volunteers tremble is sufficient evidence Nor can I say that Capt Robbs company after it was placed by the side of Spencers was at all inferior to it— It is certain that they kept that post and their great loss shews it was the post of danger— The Dragoons also did everything that could have been expected from them in the situation in which they were placed before they were mounted they certainly kept the enemy for a considerable time from penetrating

the camp by the left flank, and when mounted they remained firm at their posts altho exposed to the[*] fire of the enemy— at the time they were necessarily inactive and consequently placed in a situation most trying to troops—

The failure of the charge made by Major Daveiss was owing to his having employed too small a number; but even with those it is more than probable that he would have been successful, if he had not unfortunately mistook the direction in which the principal part part of the enemy lay A successfull charge was made by a detachment of the Dragoons at the close of the action and the enemy driven into a swamp in which they could not be followed

You may perhaps Gentlemen suppose that I ought to have given you the information necessary to your forming a correct opinion of the merits of each corps, Military[*] ettiquette however and the custom of our country forbade this. It is to the government of the United States alone that a detailed account of an action is made— In the communication I have given you such information only as was necessary to enable you to correct a mistake which I am sure was unintentional on your part My sense of the merits of the other corps of the army will be known when my official account is published

WILL HENRY HARRISON

VINCENNES 9th Dcr 1811

On motion ordered that the said communication be refered to a select committee Messr. McFarland, Dill & Templeton—were appointed

Mr Dill moved for leave to bring in a bill in amendment of the militia law whereupon leave was given[*] Whereupon he introduced a bill to amend an act establishing and regulating the militia and in aid of an act supplementary to an act regulating the militia— It being read the first time

On motion ordered that the said bill be read a second time now It being read

On motion ordered that the said bill be engrossed & read a third time tomorrow

Mr. McFarland moved for leave to bring in the following

memorial to congress thereupon leave was given It being read on motion that the house do adopt the said resolution It was carried in the affirmative

In General Assembly of the Indiana Territory December 1811 To the Senate and house of Represe-[*]ntatives of the United States—The memorial of the Legislature of the Indiana Territory most respectfully sheweth

That it is with regret that we observe that mankind generally hail the hero and rejoice at the success of the arms of their country without considering the dread calamity created by the shed blood of those that have fallen in the Battle, and whose fall and death was necessary to the purchase and security of the object that induced the nation to the contest But whilst with patriotic fealings we approve and bestow a willing tribute of praise upon the troops whose lives have been jeopardized in the late action with the Indians under the influance of the shawny prophet we still[*] look farther and with fealings that cannot be entered into by those distant from our Territory express our sorrow for the fathers and the husbands who have died by the savage hands of the enemies of our country—

But when involuntarily we are carried to consider the inconsolable wife—The distressed mother and the weeping child, who but yeasterday fate appeared to open prospects of a superior destiny to its neighbour, now in a state soon to be rend from the maternal bosom—very soon to act in a menial capacity probably to those whose hearts know but little of genuine sympathy—this is a situation that with the fealing[*] man must force the tear of compassion Some of the citizens of our Country who by their hard earnings had just acquired sufficient to enter and pay the first instalment on a quarter section of land and made a small improvement thereon have died in the battle—and to add to their distress the land must revert to the United States, and the widow and the orphan must be forced from an abode dear to them by the remembrance of him who toiled for it and who was once known by the endearing names of husband and father—

Such must be the case if the government do not interfere in their behalf— Our country presents so many scenes of distress

but not more than must reasonably[*] must be expected as the natural concometants of so desperate and bloody a battle— That we recommend and entreat that the national legislature may make some ample provision for the unfortunate—also that a donation be given to each individual in the army— It is a provision that in our opinion they are justly entitled to and which would have the effect in future to encourage the soldier and the citizen to turn out when a call from his country invited whilst it would endear a country to its citizens that shew such willingness to relieve distress and to patronize its supporters

We therefore solicit and most earnestly wish that at least one[*] quarter section of land be granted to every private in the army lately commanded by his excellency William Henry Harrison against the shawny prophet and his confiderates and to each and every officer and non commissioned officer in proportion and those their heirs or assigns as the case may be entitled to such donation shall have the liberty to enter the same in the land office of the Indiana Territory, where the donee may think fit— and the legal evidence of such claim be received as final payment. Not doubting but that your highly honorable body will adopt measures to bestow upon those on Harrisons campaign an ample reward we with proper defference submit to your better consideration

Resolved that four copies of the[*] foregoing memorial be made out by the Clerk of this house of Representatives which shall be signed by the speaker of the house of Representatives and by the president of the Legislative Council one whereof shall be by the said speaker transmitted to the honorable the president of the United States, an other to the president of the senat of the United States, an other to the speaker of the house of Representatives of the U. S and another to our delegate in congress

ordered that the clerk do carry the foregoing memorial & resolution to the legislative Council and desire their concurance thereto[30]

[30] The resolution was read in the U. S. House on December 24 and in the Senate on the 27th. *Annals of Congress,* 12 Congress, 1 session, pt. 1: 88, 583. The report of the House committee was presented on January 8, 1812, and recommended compensation for those who participated and

Mr Jones presented a petition from Edmond Wells & others[*] praying that the legislature would direct the board of Trusties of the Vincennes University to sell a quarter section of land therein mentioned for the purpose of building a mill thereon It being read

On motion ordered that the said petition do lie on the Table

The speaker laid before the house The memorial of Daneal Sullivan It being read

On motion ordered that the said memorial be refered to a select committee Messr. Dill Caldwell and McFarland were appointed

Mr. McFarland from the committee who were appointed to see upon what terms they could get the laws & journals of the present session printed Reported the following[*] proposals of Elihu Stout for that purpose

To the Honorable the members of the Legislative Council and house of Representatives of the Indiana Territory

Proposals for doing the public work of said Territory For furnishing paper making marginal notes and printing acts passed at the present session of 1811 one dollar and twenty five cents per page

For folding stitching covering and cutting eight dollars per hundred copies

For printing the journals on the same type of the laws the same price or if they should have it done on small type two dollars[*] per page For folding stitching covering &c eight dollars per hundred

Should your honorable body honor me with your confidence the work shall be done in a workmanlike manner and with the greatest dispatch

the heirs of those killed in action. *Ibid.,* 698-700. On February 20 a bill for the relief of the officers and soldiers who served in the Wabash campaign was introduced (*ibid.,* 1077), and was passed and approved by the President on April 10. U. S. *Statutes at Large,* 2: 704-5. The act allowed pay and compensation but no land grants. Compensation was also allowed for those who lost horses in the campaign.

I remain Yours most obedient & very humble servant

E STOUT

The president of the L.C. & Speaker of the H.R.

On motion ordered that a committee be appointed to contract with Elihu Stout for printing the laws & journals of the present session Messr McFarland Dill and Caldwell were appointed

On motion ordered that the house adjourn[*]

Tuesday Decr 10th 1811

The house met agreeable to adjournment

On motion that the Bill to amend an act establishing and regulating the militia and in aid of an act supplementory to an act establishing and regulating the militia be read a third time now It being read

On motion Resolved that the said Bill do pass and that the title be an act to amend an act establishing and regulating the militia and in aid of an act supplementory to an act establishing and and regulating the militia

Ordered that the clerk do carry the said bill to the Legislative council and desire their concurance thereto

Mr. Caldwell from the committee appointed on the petition of Isaac Shelby late collector of Clark County

Beg leave to report that according to order your committee have had the[*] same under consideration and find from an examination of the law under which the petitioner must have acted that he was thereby authorised & required to collect all costs together with the tax off of the lands which were advertised for the collection of taxes Therefore your committee are of opinion that as the petitioner had a remedy by the law above alluded to [he] cannot be relieved by this house

On motion Resolved that the clerk of this house do request the Legislative Council to reconsider their vote upon the Bill in aid & amendment of the several acts regulating the admission and practice of attornies and counsellors at law which originated in this house

A message from the legislative Council by Mr Sullivan their

clerk Mr Speaker I am directed by by the Council to inform this house that they have appointed Mr Jones as a committee of conference on the Bill regulating the appointment of officers and for other purposes[*]

Mr Dill moved for leave to bring in a bill in amendment of the attachment law whereupon leave was given

Thereupon he introduced a Bill in aid and amendment of the act allowing Foreign attachments and the act prescribing the mode of proceeding against absconding debtors It being read the first time

On motion ordered that the said Bill be read a second time now It being read

On motion ordered that the said bill be engrossed and read a third time now It being engrossed & read

On motion Resolved that the said Bill do pass and that the Title be an act in aid and amendment of the act allowing Foreign attachments and the act prescribing the mode of proceeding against absconding Debtors[*]

Ordered that the clerk do inform the Legislative Council thereof and desire their concurance thereto

On motion ordered that the house do adjourn

Wednes December 11th 1811

The house met agreeable to adjournment

Mr Dill moved for leave to bring in a bill regulating the trade and intercourse with the Indians whereupon leave was given Thereupon he introduced a bill repealing certain parts of the act entitled an act regulating the trade with the Indians within that part of the Territory to which the Indian title has been extinguished and for other purposes which being read a first time

On motion ordered that the said bill be read a second time now It being read

On motion ordered that the said bill be refered to a committe of the[*] whole house and made the order of the day for today

Mr. Dill from the committee who were appointed on the memorial of Daniel Sullivan have according to order had the same under consideration and beg leave to report by bill—A Bill

for the releif of of Daniel Sullivan late collector of Knox County It being read the first time

On motion ordered that the said bill be read a second time now It being read

On motion ordered that the said bill be committed to a committee of the whole house and made the order of the day for today

Mr. Caldwell moved for leave to bring in a bill authorising the board of trusties of the Vincennes University to lay off a Town on the seminary land Whereupon leave was given Thereupon he introduced a bill authorising[*] the board of Trusties of the Vincennes University to lay off a town on the seminary land and for other purposes It being read the first time

On motion ordered that the said Bill be read a second time now it being read

On motion ordered that the said bill be committed to a committee of the whole house and made the order of the day for to day

A message from the Legislative Council by Mr. Sullivan their Clerk—Mr Speaker I am directed by the Council to inform this house that they have concured in the bill in aid and amendment of the act allowing foreign attachments and the act prescribing the mode of proceeding against absconding debtors without amendments

Mr Dill moved for leave to bring in a bill vesting chancery power in certain courts whereupon leave was given[*] Thereupon he introduced a Bill vesting chancery powers in certain courts It being read the first time

On motion ordered that the said bill be read a second time now It being read accordingly

On motion ordered that the said bill be committed to a committee of the whole house and made the order of the day for today

The house according to the order of the day Resolved itself into a committee of the whole house on the Bill repealing certain parts of the act entitle an act regulating the trade with the Indians within the part of the Territory to which the Indian title has been extinguished and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr Templeton reported that the committe of the whole according to order had the

said Bill under consideration and[*] have agreed to the same without amendments to which they desire the concurance of the house, which he delivered in at the clerks Table

On the questions being put will the house concur in the report of the committee of the whole on the said bill, It was Resolved in the affirmative

On motion ordered that the said bill be engrossed & rad a third time now It being engrossed & read

On motion that the said bill do pass and that the title be an act repealing certain parts of the act entitled an act regulating the trade with the Indians within the part of the Territory to which the Indian title has been extinguished and for others purposes on the questions being put shall this bill pass The ays and noes being called for by a member present It was carried in the affirmative ays 5 noes 2[*] Those who voted in the affirmative were Mess Caldwell, Dill McFarland Rue, Templeton, and those who voted in negative wer Messr. Johnston & Jones.

Ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance thereto

Mr. Dill from the committee of conference on the Bill regulating the appointment of officers and for other purposes, Reported that the committee have agreed that this house do recede from their objections to the amendments made by the counci[l] to said bill & that the Council do adher to the same

On motion ordered that the house do concur with the report of the committee of conference

A message from the Legislative Council by Mr Sullivan their clerk[*] Mr Speaker I am directed by the Council to inform this house that they have concured in the report of the committee of conference on the Bill regulating the appointment of officers and for others purposes—Also that they have thought proper not to reconsider their vote on the bill in aid and amendment of the several acts regulating the admission and practice of attornies and counsellors at law

Mr. Caldwell moved for leave to bring in a bill concerning the attorney General Whereupon leave was given There upon he in-

troduced a Bill respecting the office of attorney General It being read the first time

On motion ordered that the said Bill be read a second time now It being read

On motion ordered that the said bill be committed to a committee to a committee of the whole house & made the order of the day for to day[*]

The house according to the order of the day Resolved itself into a committee of the whole house on the Bill respecting the office of attorney General and after some time spent therein Mr Speaker resumed the chair and Mr Caldwell reported that the committee of the whole according to order had the said bill under consideration and have made several amendments which he delivered in at the clerks table and desired the concurance of the house thereto

On the questions being put will the house concur in the report of the committee of the whole on the said bill It was carried in the affirmative—

On motion ordered that the said bill be engrossed & read a third time now It being engrossed & read

On motion Resolved that the said bill do pass and that the title be an act respecting the[*] office of the attorney General

Ordered that the clerk do carry said Bill to the legislative Council and desire their concurance thereto

The house according to the order of the day Resolved itself into a committee of the whole house on the Bill authorising the board of trusties of the Vincennes University to lay off a Town on the seminary land and for other purposes and after sometime spent therein Mr Speaker resumed the chair & Mr Dill reported that the committee of the whole according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house

On the questions being put will the house concur in the Report of the committee of the whole on the said Bill[*] The ays and noes being called for by a member present, It was Resolved in the affirmative ays 5 nois 2 Those who voted in the affirmative were Messr. Caldwell Dill McFarland, Rue, & Templeton and those who voted in the negative were Messr Johnston & Jones

On motion that the said Bill do pass and that the title be an act authorising the board of Trusties of the Vincennes University to lay off a Town on the seminary land and for other purposes

On the questions being put shall this bill pass

The aye & noes being called for by a member present It was Resolved in the affirmative ays 5 noes—2 Those who voted in the affirmative[*] were Messr. Caldwell Dill McFarland Rue & Templeton and those who voted in the negative were Messr Johnston & Jones

Ordered that the clerk do carry the said bill to the legislative Council and desire their concurance thereto

A message from the Legislative Council by Mr Sullivan their clerk Mr. Speaker I am directed by the council to inform this house that they have passed a bill to amend an act entitled an act authorising and regulating arbitrations to which they desire the concurance of this house

The house according to the order of the day resolved itself into a committee of the whole house on the state of the Territory and after some time spent therein Mr. Speaker resumed the chair and Mr. Dill reported that the committee of the whole according to order had the state of the Territory under consideration[*] and have adopted the following memorial to which they desire the concurance of the house which he delivered in at the clerks table

To the senate and House of Representatives of the United States The memorial of the legislature of the Indiana Territory most respectfully sheweth

That the inhabitants of the said Territory suffer evils from the nature of their political institutions to which it becomes their imperious duty to seek a constitutional remedy—When an interesting portion of the american peopulation unite in forming a wish for an important change in their political situation it may be fairly infered that no paliatives can lessen the evi[l]s they endure; and it is an happy circumstance that the redress which is the object of the present memorial to obtain[*] has been foreseen provided for and will excite in its accomplishment neither convulsion nor storm; your memorialists will not arraign the wisdom of congress in

forming the ordenance for the government of the Northwestern Territory, they may have had solid reasons for giving to the Territory or colonial governments the singular monarchical shape they now exhibit But it will be allowed that all those governments present features very little reconcilable to the principles which have governed the institutions of the different states of the Union

Born and educated in different states of the Union in the enjoyment of civil and political rights, They think it hard to be in a degree disfranchised as a people when they have done no crime—but by their migration thither confer a benefit to the United States

Your memorialists deeply impressed[*] with a sense of their provincial dependence in behalf of themselves and constituents, now make a solemn appeal to the national legislature and pray that they may have the liberty of forming a constitution and be admitted as an independent state into the Union upon the same footing as one of the original states—The unexampled increase of population of the state of Ohio; warrant the belief that similar consequences would attend the emancipation of Indiana. It is principle and not men or measures that we complain of and confiding in the justice of our cause we doubt not of our case meeting proper consideration and your memorialists as in duty bound will ever pray &

on the questions being put will the house concur in the report of[*] the committee of the whole on the said memorial

The ays & nois being called for by a member present It was Resolved in the affirmative ays 4 nois 3. Those who voted in the affirmative were Mess Caldwell McFarland Templeton & Johnston and those who voted in the negative wer Messr. Dill Jones & Rue

Resolved that four copies of the foregoing memorial be made out by the clerk which shall be signed by the speaker of the house of Representatives and by the president of the Legislative Council one whereof shall be by the said speaker transmitted to the president of the United States an other to the president of the senate, an other to the speaker of the house of the house of Representoves of the U. S and another to our delegate in congress[*] ordered that the clerk of this house do carry the foregoing memorial &

resolution to the legislative Council and desire their concurance thereto[31]

Mr. McFarland from the committee of enrolled Bills Reported that the committee had compared the following engrossed with the enrolled Bills viz

1st an act regulating the general elections of the Indiana Territory

2d an act for the releif of James Hamilton sheriff of Dearbon County

3 an act for erecting part of the county of Knox into a seperate county—

also the memorial to congress praying for a donation from congress to the officers & men who were on the late campaign under the command of Governor Harrison and find the same duly enrolled whereupon the speaker signed the same

Ordered that the clerk do carry[*] the said acts & memorial to the legislative Council and desire the the signiture of the president thereto

The House according to the order of the day Resolved itself into a committee of the whole on the Bill for the relief of Daniel Sullivan late collector of the County of Knox and after sometime

[31] This resolution was introduced in the U. S. Senate on December 31 and in the House on January 1, 1812. On January 13 the Speaker presented to the House the protest of James Dill and Peter Jones against the memorial. The protest is printed in Carter (ed.), *Territorial Papers,* 8:147-48. Their objections to statehood were simply that the population of the Territory was too small and scattered and that the treasury of the Territory was "in such a miserable state of depression" that the territorial paper money was way below par, this despite a land tax that had "hitherto exceeded all example," and that under a state government expenditures would increase fourfold. Besides, they added, the citizens of Indiana were enjoying nearly all the benefits of a state government under the territorial regime and at much less expense. General W. Johnston commented that "the economical advantages which the general government will derive from this measure [the memorial for statehood], induces me to hazard the belief that it will be acceded to." Vincennes *Western Sun,* December 28, 1811. On March 31, 1812, the House committee reported in favor of the admission of the Territory into the Union as soon as its population reached thirty-five thousand. No provision was made for taking a census of the population until 1814. *Annals of Congress,* 12 Congress, 1 session, pt. 1:91, 607, 750; pt. 2:1247.

spent therein Mr Speaker Resumed the chair & Mr Templeton Reported that the committee of the whole had the said bill under consideration and have agreed to the said bill without ammendments, to which they desire the concurance of the house which he delivered in at the clerks table

On the questions being put will the house concur in the report of the committee of the whole on the said bill It was Resolved in the affirmative

On motion ordered that the said bill be ingrossed & rad a [*] third time now It being engrossed and read

On motion ordered that the said bill do pass and that the title be an act for the releif of Daniel Sullivan late collector of the County of Knox

ordered that the clerk do carry the said bill to the legislative council and desire their concurance thereto

A message from the legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that the president has signed the following laws and memorial viz

1st an act regulating the general elections of the Indiana Territory

2d an act for the releif of James Hamilton sheriff of Dearbon County

3d an act for erecting part of the[*] county of Knox into a seperate County also the memorial to congress praying for a donation of land to be given to the officer & soldiers on the late campaign under Governor Harrison

On motion ordered that the house adjourn

Thursday Decr. 12th 1811

The house met agreeable to adjournment

Mr. McFarland from the committee of enrolled bills reported that the committee had compared the following enrolled with the engrossed bills viz

1st an act for regulating the appointment of officers and for other purposes

2d an act in aid and amendment of the act allowing foreign at-

tachments and the act prescribing the mode of proceeding against absconding debtors[*]
2[3d] an act in amendment and aid of the law entitled an act for opening and regulating public rods and highways and find the same duly enrolled Whereupon the speaker signed the said bills

ordered that the clerk do carry the said bills to the Legislative Council and desire the signiture of the president thereto—

Mr Caldwell moved for leave to bring in a bill regulating the proceeding in indictment Whereupon leave was given and Thereupon he introduced a Bill regulating the proceeding in indictments —It being read a first time—

On motion that the said bill be read a second time now It was Resolved in the affirmative

On motion Resolved that the said bill be engrossed & read a third time now It being engrossed and read[*]

on motion resolved that the said Bill do pass and that the Title be an act regulating the proceedings in indictments

ordered that the clerk do carry the said Bill to the Legislative Council & desire their concurance thereto

On motion ordered that the house do now proceed to consider the bill to amend an act entitled an act regulating arbitrations, from the Legislative Council It being read

On motion that the said bill be read a second tim on the questions being put shall this bill be read a second time It was carried in the negative

The house according to the order of the day Resolved itself into a committee of the whole on the bill vesting chancery powers in the General courts & courts of common pleas & for other purposes and after some time spent therein[*] Mr. Speaker Resumed the chair & Mr Templeton Reported that the committee of the whole had according to order had the said Bill under consideration and have made several amendments thereto to which they desire the concurance of this house which he delivered in at the clerks table.

On the questions being put will the house concur in the report of the committee of the whole on the said Bill It was carried in the affirmative

On motion Resolved that the said bill be engrossed and read a third time now

On motion that the said bill do pass and that the Title be an act vesting chancery powers in the general courts and courts of common pleas and for other purposes

The ays & nois being called for[*] by a member present It was Resolved in the affirmative ays 5 noes 2 Those who voted in the affirmative were Messr. Dill, Johnston McFarland Rue Templeton—and those who voted in the negative were Messr. Caldwell and Jones

Ordered that the clerk do carry the said Bill to the Legislative Council and desire their concurance thereto

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have rejected the Bill from this house respecting the attorney General

Mr. Jones moved for leave to bring in a bill for the releif of parmenas Beckes Whereupon leave was given. Thereupon he introduced a Bill for the releif[*] of Parmenas Beckes late sheriff of Knox County It being read a first time

On motion ordered that the said bill be read a second time now It being read

On motion ordered that the said bill be committed to a committee of the whole house & made the order of the day for today

The house according to the order of the day Resolved itself into a committee of the whole house on the bill for the relief of Parmenas Becks late sheriff of Knox County and after some time spent therein Mr. Speaker resumed the chair and Mr Rue Reported that committee of the [whole] according to order had the said bill under consideration and have made several amendments thereto[*] to which they desire the concurance of the house which he delivered in at the clerks table where they were read

On the questions being put will the house concur in the report of the committee of the whole on the said bill It was carried in the affirmative

On motion ordered that the said Bill be engrossed and read a third time now It being engrossed and read

On motion ordered that the said Bill do pass and that the title be an act for the relief of parmenas Beckes late sheriff of Knox County

The ays and noes being called for by a member present It was Resolved in the affirmative ays 6 noes 1 Those who votied in the[*] affirmative were Mess Dill Johnston McFarland Templeton Rue & Jones Those who voted in the negative was Mr. Caldwell

Ordered that the clerk do inform the Legislative Council thereof and desire their concurance thereto

A message from the Legislative Council by Mr. Sullivan their Clerk Mr. Speaker I am directed by the Council to inform this house that they desire that they should reconsider their vote on the Bill to amend an act entitled an act authorising and regulating arbitrations, also that they have disagreed to the report of the committee of conference on the Bill to amend the act entitled[*] an act establishing the court, for the trial of small causes

On motion that the house do reconsider their vote on the bill from the Legislative Council to amend the act entitled an act authorising and regulating arbitrations It was carried in the affirmative

On motion Resolved that the house do reconsider their vote on the said bill on tuesday next

Ordered that the clerk do inform the Legislative Council thereof

Mr. McFarland from the committee of enrolled Bills Reported that they had presented to the Governor for his signiture the following acts viz

1st an act in amendment and aid of the law intitled an act for opening and regulating public roads & highways[*]

2d an act in aid and amendment of the act allowing foreign attachments and the act presenting the mode of proceeding against absconding debtors

3 an act for regulating the appointment of officers and for other purposes

4th an act for the relief of James Hamilton sheriff of Dearbon County

5 an act for erecting part of the county of Knox into a seperate county
6 an act regulating the General elections of the Indiana Territory

Mr. Dill moved for leave to bring in a bill for the relief of James Hamilton sheriff of Dearbon County Whereupon leave was given [*] and thereupon he introduced a bill for the relief of James Hamilton sheriff of Dearborn County[32] It being read the first time

On motion ordered that the said bill be read a second time It being read

On motion ordered that the said bill be committed to a committee of the whole house and and made the order of the day for today

The house according to the order of the day resolved itself into a committee of of the whole house on the Bill for the relief of James Hamilton sheriff of Dearbon County and after some time spent therein Mr. Speaker resumed the chair and Mr. McFarland reported that the committee of the whole had according to order had the said bill under consideration and have made several amendments thereto to which[*] they desire the concuranc of the house and which he delivered in at the clerks Table

On the question's being put will the house concur in the report of the committee of the whole on the said bill It was Resolved in the affirmative

On motion ordered that the said bill be engrossed & read a third time now It being engrossed & read

On motion ordered that the said bill do pass and that the title be an act authorising the court of common pleas of Dearbon County to allow the sheriff thereof compensation for certain services

Ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance thereto

A message from the Legislative Council by Mr Sullivan their

[32] This second bill for the relief of James Hamilton was to allow compensation for his services in holding elections in his county. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 246.

clerk Mr. Speaker[*] I am directed by the Council to inform this house that they have rejected the Bill repealing certain parts of the act entittled an act regulating the trade with the Indians &c and for other purposes. Also that they have concured in the Bill regulating the proceedings in indictments

Ordered that this house adjourn till three oclock today

Thursday Decr. 12th 1811

The house met agreeable to adjournment

A message from the Governor by Mr. Hurst his private secretary Mr. Speaker I am Directed by the governor to deliver to this house the enclosed communication which being read

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I have received the act which originated in your house entitled[*] an act for erecting part of the county of Knox into a seperate County and it would have received my sanction—But the two councillors and two of the three members of the house of Representatives from that County have solemnly protested against its passage upon the ground of the devision being not made in the manner that will be agreeable to their constituents—I have also received a petition from a number of the citizens living about the white oak springs aledgeing that the act of devision places them contrary to their inclination in the new County I having always thought that in such local matters the wishes of the people concerned ought to be consulted I return you the act for reconsideration without deciding on the merits[*] of the alligations made on either side

WILLIAM HENRY HARRISON[33]

VINCENNES 12 Dec. 1811

[33] See resolution, *post,* 459-60, asking the Governor to reconsider his veto. Of this matter General W. Johnston wrote, " . . . as the act for the division of the county, excited a considerable degree of warmth in both Houses, and was reprobated by the generality of your citizens north of White river, because of White river being made the division line; myself with your counsellors and one other of your representatives [Peter Jones?] conceived it our duty, and did protest to the Governor against the act. In consequence whereof, and other causes, the Governor rejected it." Vincennes *Western Sun,* December 28, 1811.

Mr. Jones asked and obtained leave to bring in a bill allowing compensation to the members of the Legeslative Council and House of Representatives of the Indiana Territory and the officers of both Houses, the same being read the first time

On motion ordered that the said bill be read a second time now

On motion ordered that the said bill be commited to a committee of the whole House and made the order of the day for today

The House according to the order of the day resolved itself into a committee of the whole House on the bill allowing a compensation to the members of the Legislative Council and House of Representatives of the Indiana Territory and to the officers of both Houses at the present session, and after some time spent therein Mr. Speaker resumed the[*] chair and Mr. Caldwell reported that the committee had according to order had the said bill under consideration and had made several amendments thereto, to which they desire the concurance of the House, which was delivered in at the clerks Table the same being read, on the question being put do the House concur in the report of the committee of the whole, the yeas & nays being called for by a member present it was caried in the affirmative yeas 6 nays 1, Those who voted in the affirmative were Messr. Caldwell Dill Johnston McFarland Templeton & Rue, those in the negative were Mr. Jones,

On motion ordered that the said bill be engrossed for a third reading now

On motion that the said bill do pass and that the title be an act allowing compensation to the members of the Legislative Council and House of Representatives[*] of the Indiana Territory and the officers of both Houses at the present session

Ordered that the Clerk do carry the said bill to the Legislative Council and desire their concurance thereto

Mr. Jones asked and obtained leave to bring in a bill making appropriations for the ensuing year the same being read the first time

On motion Ordered that the said bill be read a second time now, it being read

On motion ordered that the said bill be committed to a com-

mittee of the whole House and made the order of the day for Tomorrow

Mr. Dill from the committee to whome was refered the memmorial of Nathan Powel have according to order had the same under consideration and beg leave to report that your committee think the Prayr of the said Powel reasonable & ought to be granted[34]

Mr. Dill from the committee to whome was refered the Petition of Maryan Barnand[*] have according to order had the same under consideration and beg leave to report a Bill for the relief of the said Maryan Barnand the same being read the first time

On motion Ordered that the said bill be read a second time now the same being read a second time

On motion Ordered that the said bill be committed to a committee of the whole House and made the order of the day for today,

The House according to the order of the day resolved itself into a committee of the House on the said Bill and after some time spent therein Mr. Speaker resumed the chair and Mr. Caldwell reported that the committee had according to order had the said bill under consideration[*] and have made some progress therein and beg leave to sit again

On the question being put shall the committee of the whole have leave leave to sit again it was caried in the affirmative

Mr. Dill moved and obtained leave to introduce the following Petition the same being read was as follows,

In General Assembly Decemr. 1811

To The President and Senate of the United States

The Petition of the Legislative Council and House of Representatives of the Indiana Territory Respectfully Sheweth

That in consulting the interest and representing the views of their constituants, they inbrace the present, as the only [oppor-

34 In the appropriation act passed at this session Nathan Powell, Dearborn County assessor for 1808, 1809, 1810, and 1811, was granted the sum of $42.10. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 253.

tunity] that will probably be offered them of expressing their earnest desire for the reapointment[*] of William Henry Harrison as Governor of the Indiana Territory, the uneaqualified Patriotism which the Governor has, uniformly inculcicated, and as unvariably evidenced in his character and conduct his mildness and forbearence in the administration of the civil department of the Government, the Talents and integritety he has always displayed in the management of Indian afairs and the highly Honorable and distingushed maner in which he conducted and closed the late campaign against the Indians on the Wabash have acquired him the esteem of his fellow citizens, and your petitioners earnestly hope will ensure him a continuance of the confidence of the General Government

Resolved that Two copies of the foregoing address be made out[*] by the Clerk of the House of Representatives, and be Signed by the Speaker of the Said House and by the President of the Legislative Council one of which shall be transmited by the Said Speaker to the President of the United States and the other to the President of the Senate of the United States

Ordered that the Clerk do carry the Said Petition to the to the Legislative Council and desire their concurance there to[35]

On motion Ordered that the House do now adjourn[*]

Friday December 13th 1811

The house met agreeable to adjournment

Mr. Dill from the committee of conference on the Bill to amend the act entitled an act establishing courts for the Trial of small causes, Reported that the committee had agreed that this house do recede from their objections to the amendments made to the said Bill by the Legislative Council and that the Council do adhere to said amentments

On motion ordered that the house do concur in the report of the committee of conference on the said Bill

35 The Council refused to concur in this memorial (*post,* 459, 462), and the House adopted another resolution in which they did not request the concurrence of the Council (*post,* 463-64). Harrison had been reappointed governor on December 21, 1809, to serve for a new term extending to January 16, 1813. Carter (ed.), *Territorial Papers,* 8:3.

On motion ordered that the clerk do inform the Legislative Council thereof

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council[*] to inform this house that they have concured in the Bills from this house authorising the court of common pleas of Dearbon County to allow the sheriff thereof for certain services also an act for the releif of Parmenas Beckes late sheriff of Knox County—also that they have agreed to the memorial to congress praying to be admitted into a state government also that they have rejected the bill organising a superior Court & for other purposes[36]

On motion Resolved that this house will not reconsider the bill for erecting part of the County of Knox into a seperate County which the governor returned to this house for that purpose with his written objections this session

Mr. McFarland asked and obtained leave to introduc a bill for the releif of Willis W. Goodwin late sheriff of Clark County The same being read a first time[*]

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be committed to a committee of the whole house and made the order of the day for to day

The house according to the order of the day Resolved itself into a committee of the whole house on the bill for the Releif of Willis W Goodwin late sheriff of Clark County and after some time spent therein Mr. Speaker resumed the chair and Mr. Dill Reported that the committee according to order had the said bill under consideration and have agreed to the same without amendments to which they desire the concurance of the house and which he delivered in at the clerks Table

On the questions being put will the house concur in the report of[*] the committee of the whole house on the said Bill—It was carried in the affirmative

On motion ordered that the said Bill be engrossed & read a third time now The same being engrossed & read

[36] This is the only mention of this bill in the Journal.

On motion ordered that the said bill do pass and that the title be an act for the relief of Willis W Goodwin late sheriff of Clark County

Ordered that the clerk do carry the said Bill the to the Legislative Council and desire their concurance thereto

Mr Caldwell moved and obtained leave to introduce a Bill repealing the benefits of the act concerning executions in certain cases The same being read the first time

On motion ordered that the said Bill be read a second time now The same being read

On motion ordered that the said bill be engrossed and read a third time The same being engrossed & read[*]

On motion Resolved that the said bill do pass and that the title be an act repealing the benefits of the act concerning excutions in certain cases

Ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance thereto

The house according to the order of the day Resolved itself into a comittee of the whole house on the bill to dissolve the marriage of Mariann Bernond with Henry S Bernond her husband and after sometime spent therein Mr Speaker resumed the chair and Mr Templeton reported that the committee of the whole according to order had the said Bill under consideration and have agreed to the same without amendments to which they desire the concurance of the house and which he delivered in at the[*] clerks table

On the questions being put will the house concur in the report of the committee of the whole on the said Bill It was carried in the affirmative

On motion ordered that the said bill be engrossed and read a third time now The same being engrossed & read

On motion ordered that the said Bill do pass and that the title be an act to dissolve the marriage of Mariann Bernond with Henry S Bernond her husband

Ordered that the clerk do carry the said Bill to the Legislative Council and desire their concurance therto

Mr Caldwell asked and obtained leave to bring in a bill respecting the general fund The same being read the first time

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be engrossed and read a third time[*] now the same being engrossed and read

On motion ordered that the said Bill do pass and that the title be an act respecting the General fund

Ordered that the clerk do carry the said Bill to the Legislative Council and desire their concurance thereto

Mr. Dill aske and obtained leave to bring in a bill repealing the act concerning publick roads & high ways The same being read the first time

On motion ordered that the said bill be read a second time now The same being read accordingly

On motion ordered that the said Bill be committed to a committee of the whole house and made the order of the day for today The house according to the order of the day resolved itself[*] into a committee of the whole house on the Bill repealing the act concerning public roads & high ways and after some time spent therein, Mr Speaker resumed the chair and Mr Rue Reported that the committee of the whole house according to the order of the day had the said bill under consideration and have made some amendments thereto to which they desire the concurance of the house

On the questions being put will the house concur in the report of the committee of the whole on the said Bill It was carried in the affirmative

Mr. Dill asked and obtained leave to bring in a Bill repealing part of the estray law The same being read the first time

On motion ordered that the said Bill be read a second time now The same being read[*]

On motion ordered that the said Bill be committed to a committee of the whole house and made the order of the day for today—

The House according to the order of the day Resolved itsef into a committee of the whole House on the Bill repealing part of the estray law and after some time spent therein Mr Speaker

resumed the chair and Mr. McFarland Reported that the committee of the whole had according to order had the said Bill under consideration and have made several amendments thereto to which they desire the concurance of the house & which he delivered in at the clerks table where they were read

On the questions being put will the house concur in the report of the committee of the whole house on the said bill It was carried in the affirmative

On motion ordered that[*] the said bill be engrossed and read a third time now The same being engrossed & read

On motion ordered that the said Bill do pass and that the title be an act repealing part of the estray law

On motion ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance therto

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have concured in the act repealing the benefits of the act concerning executions in certain cases, also in the act for the releif of Daniel Sullivan Also the act respecting[*] the general fund without amendments also that they have concured in the act for the removal of the Temporary seat of government and fixing the same at the Town of madison in the County of Jefferson with some amendments to which they desire the concurance of this house—

On motion Resolved that the house do now proceed to consider the amendments made by the Legislative council to the Bill for the removal of the Temporary seat of government and fixing the same at the Town of Madison in the County of Jefferson The said bill with amendments being read

On the questions being put will the house concur in the amendments made to the said bill by the Legislative Council It was carried in the affirmative

On motion ordered that the house adjourn untill three oclock to day[*]

The House met agreeable to the adjournment of today

Mr Caldwell from the committee to whom was refered the

memorial of Daniel Sullivan beg leave to report by Bill. A Bill for the releif of Daniel Sullivan late sheriff for the County of Knox The same being read a first time

On motion ordered that the said Bill be read a second time now The same being read

On motion ordered that the said bill be engrossed and read a third time now the same being engrossed & read

On motion ordered that the said Bill do pass and that the title be an act for the relief of Daniel Sullivan late sheriff for the County of Knox

Ordered that the clerk do carry the said bill to the legislative Council and desire their concurance thereto[*]

The house according to the order of the day Resolved itself into a committee of the whole house on the bill making appropriations for the ensuing year and after some time spent therein Mr Speaker resumed the chair and Mr. Jones Reported that the committee of the whole according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house and which he delivered in at the clerks table where they were read On the questions being put will the house concur in the Report of the committee of the whole house on the said bill It was carried in the affirmative

On motion ordered that the said bill be engrossed and read a third time now the same being engrossed & read[*]

On motion ordered that the said Bill do pass and that the title be an act making appropriations for the ensuing year

Ordered that the clerk do cary the said bill to the Legislative Council and desire their concurance

Mr Jones asked and obtained leave to introduce a bill for the releif of John McCandless Esqr deceased late sheriff of Knox County for certain services The same being read a first time

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be committed to a committee of the whole house and mad the order of the day for to day

The House according to the order of the day Resolved itself into a committee[*] of the whole house on the Bill for the releif

of Jon McCandless Esqr deceased late sheriff of Knox County and after some time spent therein Mr Speaker resumed the chair and Mr Rue reported that the committee of the whole according to order had the said Bill under consideration and have made several amendment thereto to which they desire the concurance of the house They being read

On the question's being put will the hous concur in the report of the committee of the whole on the said bill It was carried in the affirmative

On motion ordered that the said bill be engrossed & read a third time now The same being engrossed & read

On motion ordered that the[*] said bill do pass and that the title be an act for the releif of John McCandless Esqr deceased late sheriff of Knox County

Ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance thereto

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the council to inform this house that they have concured in the bill to Dissolve the marriage of Marian Barnond with Henry S Barnond her husband also the Bill for the releif of Willis W Goodwin late sheriff of Clark County without amendments also that they have rejected the petition to congress praying for the reapointment of Governor Harrison[*]

Mr Templeton asked & obtained leave to introduc the following resolution Resolved that the Bill for erecting part of the County of Knox into a seperate County and returned to this house for reconsideration by the governor be delivered by the clerk to the committee of enrolled Bills for them to present to him for his signiture and that the said committee do inform him that the House have thought proper not to reconsider the said bill

The house resolved itself in to a committee of the whole on the said Resolution and after some time spent therein Mr. Jones Reported the said resolution with the following amendment. That all the resolution be stricken out from the word resolved to which he desired the concurance of the house—On the questions being[*] put will the house concur in the report of the committee of the

whole house on the said Resolution It was carried in the affirmative

On motion ordered that the house adjourn

Saturday December 14th 1811

The house met agreable to adjournment

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have rejected the bill respecting estrays

Mr Dill asked and obtained leave to introduce a bill supplementory to the act intitled an act regulating the general elections of the Indiana Territory The same being read the first time

On motion ordered that the that the said Bill be read a second time now The same being read[*]

On motion ordered that the said Bill be engrossed & read a third time now

On motion ordered that the said bill do pass and that the title be an act supplementory to the act entitled an act regulating the general elections of the Indiana Territory

Ordered that the clerk do carry the said bill to the Legislative council and desire their concurance thereto

Mr. McFarland from the committee of enrolled bills Reported that the committee had compared the following enrolled with the engrossed Bills viz

1st an an act for the removal of the Temporary seat of government of the Indiana Territory and fixing the same for a time at the Town of Madison in the county of Jefferson[*]

2d an act for the Relief of Parmenas Beckes late sheriff of Knox County—

3d an act for the releif of Daneil Sullivan late collector for the County of Knox

4th an act authorising the court of common pleas of Dearbon County to allow the sheriff thereof compensation for certain services

5th an act repealing the benefits of the act concerning excutions in certain cases

6th an act respecting the general fund

7th an act to dissolve the marriage of Marian Bornond with Henry S Bornond her husband
8th an act for the releif of Willis W Goodwin late sheriff of Clark County

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker[*] I am directed by the Council to inform this house that they have concured in the Bill allowing compensation to the members of the Legislative Council and house of Representatives of the Indiana Territory and to the officers of both houses with some amendments also they have concured in the bill allowing a compensation to the legal Representatives of John McCandless Esqr deceased late sheriff of Knox County for certain services with some amendments to which they desire the concurance of this house also that the president of the Legislative Council has signed the following acts viz
1st an act for the removal of the Tempory seat of government of the Indiana Territory & fixing the same for a time at the Town of Madison in the County of Jefferson
2d an act for the releif of Parmenas Beckes late sheriff of Knox County[*]
3d an act for the releif of Danel Sullivan late collector for the County of Knox
4th an act authorising the court of common pleas of Dearbon County to allow the sheriff thereof compensation for certain services
5th an act repealing the benefits of an act concerning executions in certain cases
6th an act respecting the general fund
7th an act to dissolve the marriage of maryann Bornond with Henry S Bornond her husband
8th an act for the releif of William W Goodwin late sheriff of Clark County

On motion ordered that the house do now proceed to consider the amendments made by the Legislative Council to the Bill for the releif of the legal representatives[*] of John McCandless Esqr deceased late sheriff of Knox County The same being read

On motion order that the house do concur in the amendments made by the Legislative Council to the said Bill

On motion ordered that the house do now proceed to consider the amendments made by the Legislative Council to the bill for allowing a compensation to the members of the Legislative Council and house of Representatives of the Indiana Territory and the officer of both houses The same being read

On motion ordered that the house do concur in the amendments made by the Legislative Council to the said Bill

Ordered that the clerk do inform the Legislative Council that this[*] house have concured in the amendments made by the Council to the two last above mentioned bills

A message from the Legislative Council by Mr Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have rejected the Bill vesting Chancery powers in the General Court & court of common pleas—Also that they have concured in the Bill supplimentary to the act entitled an act regulating the general elections of the Indiana Territory without amendments

On motion Resolved that the clerk of this house do request the Legislative Council to reconsider their vote on the petition to the president and senate of the United States in favour of the reapointment of Governor Harrison

Mr. Dill asked and obtained leave to bring in a bill regulating the court of chancery The same being[*] read the first time

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be engrossed and read a third time now—The same being engrossed and read

On motion ordered that the said Bill do pass and that the title be an act regulating the court of chancery

Ordered that the clerk do carry the said bill to the legislative council and desire their concurance thereto

A message from the legislative council by Mr Sullivan their clerk Mr. Speaker I am directed by the council to inform this house that they have thought proper not to reconsider their vote on the petition for the reapointment of Governor Harrison[*]

also that they have passed an act for levying and collecting a tax on land and for other purposes and repealing part of the said act to which they desire the concurance of this house[37]

Mr. Dill asked and obtained leave to introduc the following petition which being read

IN GENERAL ASSEMBLY December 1811

TO THE PRESIDENT AND SENATE OF THE UNITED STATES

The petition of the house of Representatives of the Indiana Territory Respectfully sheweth

that in consulting the interests and representing the views of their constituants they embrace the present as the only opportunity that will probably be afforded them of expressing their earnest desire for the reapointment of William Henry Harrison[*] as governor of the Indiana Territory The unqualified patriotism which the governor has uniformly inculcated and [h]as invariably evidenced in his character and conduct—His mildness and forbearance in the administration of the civil department of the government—The Talents and integrity he has always displayed in the management of Indian affairs—and the highly honorable and distinguished manner in which he conducted and closed the late campaign against the Indians on the Wabash have acquired him the esteem of his fellow citizens—and your petitioners earnestly [hope] will ensure him the continuance of the confidence of the general government

Resolved Unanimously that two copies of the foregoing address be made out by the clerk of the house of representatives and[*] signed by the speaker of the said house and attested by the clerk—one of which shall be by the said speaker forwarded to the president of the United Stats and the other to the president of the senate of the U.S[38]

[37] Relative to this act Johnston said, "To avoid as much as practicable the taxing of industry, it was deemed adviseable to adopt the mode of rating in place of valuing lands, and a law was passed to this effect." Vincennes *Western Sun,* December 28, 1811; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 256.

[38] See *ante,* 452-53n. The resolution was read in the U. S. Senate on December 31, 1811, and referred to the select committee to which other

On motion Resolved that the house do adopt the foregoing petition & resolution

Mr. Caldwell from the committee of ways and means to whom was refered the report of the auditor & Treasurer beg leave to report that on an examination of the books of the said auditor they find his report to be truly reported and als[o] that they find the report of the said Treasurer perfectly correct and on further examination your committee find that their remains over and above all possible defalcation in outstanding debts the sum of one thousand five hundred and ninety two dollars fifty two ¾ cents[*] without taking into view the Judgement lately obtained against the collector of Dearbon County

Your committee would also advise the passage of a resolution annulling warrent No. 101 for $200 the same having been issued in order to purchase a chest for securing the publice monies and which has not been purchased by the committee appointed for that purpose no[r] the warrant paid at the Treasury—

A joint Resolution respecting a certain audited warrent Whereas by an act of the general assembly of this Territory entitled an act for the releif of the Territorial Treasurer and for other purposes The said Treasurer was therein authorised to procure a chest for the better securing of the monies of the said Territory and whereas the auditor in pursuance[*] thereof did issue warrant No 101 for the sum of two hundred dollars to purchase said chest and whereas also the said chest has not yet been purchased nor the order discharged at the Treasury

Therefore Resolved by the Legislative Council and house of Representatives that the Territorial Treasurer be and he is hereby directed and enjoined not to pay the said warrent Number one hundred & one for the two hundred dollars aforesaid which said sum is hereby transfered to and made a part of the general fund of this Territory and the said warrant is hereby annulled and made void

memorials from the Indiana Territory were referred. Carter (ed.), *Territorial Papers,* 8:157; *Annals of Congress,* 12 Congress, 1 session, pt. 1:91.

On motion ordered that the house do concur in the foregoing resolution

ordered that the clerk do carry said resolution to the Legislative Council and desire their concurance thereto[*]

On motion ordered that the house do now proceed to consider the Bill from the Legislative Council to amend the act for levying and collecting a tax on land and for other purposes and repealing part of the said act The same being read the first time

On motion ordered that the said Bill be read a second time now The same being read

On motion ordered that the said Bill be committed to a committee of the whole house & made the order of the day for today

The House according to the order of the day Resolved itself into a committee of the whole house on the Bill for levying and collecting a tax on land and for other purposes and repealing[*] part of the said act and after some time spent therein Mr. Speaker resumed the chair and Mr Jones [reported] that the committee of the whole according to the order of the day had the sa[i]d bill under consideration & have made some progress therein and ask leave to sit again

On the questions being put shall the committee of the whole house on the said bill have leave to sit again It was carried in the affirmative—

A message from the legislative Council by Mr Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have concured in the act making appropriations for the ensuing year with some amendments to which they desire the concurance[*] of this house—Also that they have rejected the Bill from this house regulating the court of chancery—also that they have concured in the Bill for the releif of Daniel Sullivan late assessor for the County of Knox

The house according to the order of the day Resolved itself into a committee of the whole on the bill for levying and collecting a tax on land and for other purposes and repealing part of the said act and after some time spent therein Mr. Speaker resumed the chair & Mr Jones Reported that the committee of the whole according to order had the said bill under consideration and have

made several amendments thereto to which they desire the concurance of the house[*] On the questions being put will the house concur in the report of the committee of the whole house on the said bill It was carried in the affirmative

On motion ordered that the said bill be ingrossed & read a third time now—The same being engrossed and read

On motion ordered that the said bill do pass and that the title be an act to amend the act entitled an act for levying and collecting a tax on land and for other purposes and repealing part of the said act

Ordered that the clerk do carry the said bill to the Legislative Council and desire their concurance thereto

On motion ordered that the house adjourn untill 3 o clock[*]

Saturday Decr 14th 1811

The house met agreeable to adjournment

On motion ordered that the house do now proceed to consider the amendments made by the Legislative Council to the Bill for the releif of Daneil Sullivan late collector of Knox County The same being read

On motion ordered that the house do concur in the said amendments

Ordered that the clerk do inform the council thereof

On motion ordered that the house do recind their vote of concurance to the amendments made by the legislative Council to the bill making an allowance to the members of the legislative [council][*] and house of Representatives of the Indiana Territory and to the officers of both houses

On motion that the house do concur in the amendments made by the Legislative Council to the said bill on the questions being put will the house concur in the amendments It was carried in the negative

On motion ordered that a committee of conference be appointed on the said bill and that a similar committee be requested on the part of the Legislative Council. Mr. McFarland was appointed

Ordered that the clerk do inform the Legislative Council thereof

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed[*] by the council to inform this house that they have concured in the amendments made by this house to the Bill to amend the act entitled an act for levying and collecting a tax on land and for other purposes also that they have appointed Mr Manwaring as a committee of conference on the Bill making an allowance to the members of the legislative Council & house of Representatives of the Indiana Territory and to the officers of both houses

The house according to the order of the day Resolved itself into a committee of the whole house on the state of the Territory and after some time spent therein Mr Speaker resumed the chair & Mr [*] Templeton Reported that the committee of the whole according to order had the state of the Territory under consideration and have agreed to the following memorial & resolution to which they desire the concurance of the house

In General assembly of the Indiana Territory

To the Senate and house of Representatives of the United States The memorial of the Legislature of the Indiana Territory most respectfully sheweth—

That It [is] the opinion of this body in their associated capacity in behalf of themselves and their constituents that all officers of government as far as possible ought to be elective by the people and in a particular manner they deem it but just & reasonable[*] that an officer who is so immediately concerned with the people as a shriff—That they the people ought to have the controul over him at stated periods—Therefore it is required that a law making the officer Elective be enacted by the congress of the United States under such regulations as may be deemed most proper by your honorable body

Resolved that three copies of the foregoing memorial be made out by the clerk of the house of Representatives which shall be signed by the speaker of the house of Representatives and by the president of the council one of which shall be by the said speaker be forwarded to the president of the senate of the United States one

to the speaker of the house[*] of Representatives of the United States and one to our Delegate in congress

On the questions being put will the house concur in the report of the committee of the whole house on the foregoing memorial and Resolution It was carried in the affirmative

Ordered that the clerk do carry the said memorial & resolution to the Legislative Council and desire their concurance thereto[39]

On motion ordered that the house adjourn till monday next

Monday December 16th 1811

The house met agreable to adjournment

Mr. McFarland from the committee of conference on the Bill allowing compensation to the members and officers[*] of both Houses at the present session have come to the following agreement that the Legislative Council recede from their amendments made to the said Bill and that this house do adhere to their disagreement to the said amendments

Ordered that the clerk do inform the Legislative Council thereof

Mr. McFarland from the committee of enrolled Bills reported that they had on the 14th instant present to the governor for his signiture the following acts viz

1t an act for the removal of the Temporary seat of government of the Indiana Territory and fixing the same for a time at the Town of madison in the County of Jefferson and for other purposes[*]

2d an act authorising the court of common pleas of Dearbon County to allow the the sheriff thereof compensation for certain services

[39] This memorial was read in the U. S. Senate on December 31, 1812. Meanwhile Jennings, the territorial delegate, had introduced into the House a resolution for a committee to be appointed to inquire into the expediency of making the office of sheriff elective in Indiana Territory. On December 27 the committee appointed reported a bill authorizing the election of sheriffs in Indiana Territory. The bill passed the House but failed on third reading in the Senate. *Annals of Congress,* 12 Congress, 1 session, pt. 1:91, 226, 227, 244, 372, 420; pt. 2:1379.

3dly an act for the releif of Daniel Sullivan late collector for the County of Knox
4th an act repealing the benefits of the act concerning executions in certain cases
5th an act respecting the general fund
6th an act to dissolve the marriage of Marian Bornond with Henry S Bornond her Husband
7th an act for the releif of Willis W. Goodwin late sheriff of Clark County
8th an act for the releif of Parmenas Beckes late sheriff of Knox County

A message from the Governor by Mr. Gibson his private secretary Mr Speaker I am directed by the Governor to present to this house the following[*] written communication

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

I have considered the act act which originated in your House entitled an act for the removal of the seat of government &ct. and I cannot give my consent to it in its present shape

In most if not in all the states in the Union the removal of the seat of government, is deemed to be so important that it requires two thirds of the members of the Legislature to pass an act for that purpose—the act now before me has been passed by a bare majority in both houses and in one of those houses two out of the nine members are absent—and both those members must in all probability from their local situation be opposed to it[*][40] In the legislative Council it is also known that two out of three members who voted for the law are desirous that the seat of government should be removed to another place than that designated in the act—I have also other weighty objections to the law—Without the least reason for doing it that I can see it repeals the act of the last session passed by a full meeting of the two houses for fixing the permenant seat of government—Now if it is intended that Madison should be the Temporary seat of government only—Why distroy the arrangements for fixing the permenant seat

[40] See *ante*, 429n-30n.

Again this law provides that all suits now depending in the County of Knox in the general Court should be removed to be tried in the County of Jefferson—[41] But why should this be the case? It is certainly proper that the causes which have been removed to the general court by certiorari writ of[*] error or any other process from the County of Knox or any other County should follow the General Court—but it would be an intollerable grievance to the suitors in that court who have commenced their actions there merely because it was the only superior court in the County to be obliged to go into an other County to have them tried, when it could be done as well in the circuit court established for the County of Knox It is customary elsewhere not to remove even a seat of justice of a County without previous notice being given—It is certainly a privilege which the people of the Territory ought to have had with regard to the removal of the seat of government—That each Town which conceived itself entitled to it might have had an opportunity of making its sentiments known[*] But to convince you gentlemen that I have no predeliction for any particular place and that I have no other wish than to give satisfaction to your constituants I will freely give my consent to an act or Resolution directing the next legislature to be assembled at Madison or any other place you may choose Indeed I think that some public advantage may be derived from the Legislature's meeting elsewhare than at Vincennes

Before the next session there will be an election of Repre-

[41] The clause pertaining to the General Court read thus: "And be it further enacted . . . that it shall be the duty of the Judges of the General Court to hold thier next term, or the next term of the Said General Court at the Town of Vincennes in the County of Knox on the Second Monday in April, and the Second Term of the Said General Court Shall be holden in the Town of Madison in the County of Jefferson and on the second Mondays in April and September Annually thereafter and in the said town of Madison in the Said County of Jefferson to which place all suits and actions plaints and Complaints of What nature soever now depending in the Said General Court shall be and the same are hereby removed in as full and ample manner as if the Said Suits Actions, plaints or Complaints had been Originally laid or brought in the Said County of Jefferson . . . ." From original bill in the English Collection, Indiana Historical Society Library.

sentatives The subject will be fairly before the people and they will have an opportunity of giving such instructions as they may think proper

WILLIAM HENRY HARRISON[42]

VINCENNES 16th Dcr 1811

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council[*] to inform this house that they have concured in the report of the committee of conference on the Bill allowing a compensation to the members of the Legislative Council and house of Representatives and to the officer of both houses at the present session

Mr McFarland from the committee of enrolled bills reported that they had compared the following enrolled with the engrossed Bills viz

1st An act supplementory to the act regulating the general elections of the Indiana Territory

2d an act for the relief of Daniel Sullivan late assessor of the County of Knox

3d an act regulating the proceedings in indictments

4th an act allowing a compensation to the legal representatives of John[*] McCandless Esqr deceased late sheriff of Knox County for certain services

5th also the memorial to the great sanhedram of the United

[42] Harrison's veto of this act brought forth a strong remonstrance from the citizens of Jefferson County to Congress, praying a "revising and altering that part of the ordinance of congress which is still in force in this Territory which declares 'that no bill or Legislative act whatever shall have any force without the consent of the Governor.'" The memorial declared that Harrison's conduct in vetoing this measure was "obstinate & Oppressive & wholly subvertive of our Elective priviledges, & as at once striking at the root of our political Liberty & in effect destroys the original intention of Legislative deliberations . . . ." Carter (ed.), *Territorial Papers,* 8:154-55.

Appended to the memorial were certificates by John Paul, member of the legislature in 1810, and John Vawter, to the effect that Harrison had declared that he would not withhold his signature from any act the Assembly might pass relative to the removal of the seat of government. *Ibid.,* 8:156. See also *post,* 472-73, 474-75, 479, for resolutions concerning the place of holding the next Assembly, both of which failed of passage.

States praying to let us be freemen by admitting us into a state government

A message from the governor by Mr Gibson his private secretary Mr Speaker I am directed by the governor to lay before this house the enclosed written communication The same being read as follows

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

I have unfortunately mislaid the memorandum which contained a list of the warrents drawn by me upon the contingent fund and upon having recourse to the Treasurers books I find that but one of them has been presented (in favour of Elihu[*] Stout for printing proclamations &c to the amount of seven dollars—all the rest of the warrents which I have drawn does not I am convinced amount to thirty dollars & perhaps not to twenty—a detailed account will however be laid before the next legislature

WM. H. HARRISON

VINCENNES Dcr. 16th 1811

A message from the Legislative Council by Mr Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have passed an act to amend the act entitled an act establishing courts for the trial of small causes also they have concured in the Bill in amendment of the act entitled the law to regulate county levies with some amendments to which they desire the concurance of this house[*]

Mr. McFarland asked and obtained leave to introduce the following resolution The same being read as follows

A Resolution stating where the Legislature of the Indiana Territory is to assemble at their next convention and for other purposes

Resolved by the Legislative Council and house of Representatives that the Legislature of the Indiana Territory shall at their next assemblage meet at the Town of Madison in the county of Jefferson Indiana Territory where they are to hold their next session and all officers whose duties require their attendance at the

said place are to govern themselves accordingly under the penalty of one thousand dollars each[43]

The introduction of the said resolution being objected to as being out of order Upon the questions being put is the introduction of the said resolution in order It was carried in the[*] negative ays 3. noes 3 The ayes and noes being called for by a member present Those who voted in the affirmative were Messrs Caldwell, Dill and Jones. And those who voted in the negative were Messr. McFarland Templeton & Rue

On motion ordered that the house do now proceed to consider the Bill from the Legislative Council to amend the act entitled an act establishing courts for the trial of small causes it being read the first time on motion ordered that the said bill be read a second time now the same being read

On motion ordered that the said Bill be committed to a committee of the whole house & made the order of the day for to day

The house according to the order of the day Resolved itself into a committee of the whole house on the Bill to amend the act entitled an act establishing courts[*] for the trial of small causes and after some time spent therein Mr Speaker resumed the chair and Mr Rue Reported that the committee of the whole according to order had the said bill under consideration and have made several amendments thereto to which they desire the concurance of the house and which he delivered in at the clerks Table

Upon the questions being put will the house concur in the report of the committee of the whole on the said bill It was carried in the affirmative ordered that the clerk inform the council thereof & desire their concurance

On motion ordered that the house adjourn till four o clock

[43] In connection with this resolution note the certificate of Peter Jones (Carter [ed.], *Territorial Papers,* 8:157-58), relating that Harrison, after he had sent his message vetoing the bill removing the capital to Madison, had asked McFarland whether he intended introducing another law directing the next legislature to meet at Madison, and that McFarland had expressed some doubts as to its passage, and thereupon the Governor urged him to do so and entreated Jones to support the measure.

Monday Dcr. 16th 1811

The house met agreeable to adjournment

A message from the Legislative council by Mr Sullivan their clerk[*] Mr Speaker I am directed by the council to inform this house that they have concured in the joint resolution respecting a certain audited warrent

On motion ordered that the house adjourn

Tuesday Decr 17th 1811

Mr. McFarland from the committee of enrolled bills reported that they have compared the following enrolled with the engrossed resolution viz a joint resolution respecting a certain audited warrent and find the same duly enrolled also that they on the 16th instant presented to the governor for his signiture the following acts viz

1 an act for the relief of Daniel Sullivan assessor for the County of Knox

2 an act allowing compensation to the legal Representatives of John McCandless deceased late sheriff of Knox County for certain services[*]

3d an act regulating the proceedings in Indictments

4 an act supplementory to the act entitled an act regulating the general elections of the Indiana Territory

Mr. McFarland asked and obtained leave to introduce the following resolution The same being read as follows

A Resolution discribing the place of meeting of the Legislature

Be it resolved by the legislative Council and house of Representatives and it is hereby resolved by the authority of the same, that the governor in prorogueing the legislative shall assign the Town of Madison in the County of Jefferson Indiana Territory as the place of their next meeting

On the questions being put will the house concur in the said Resolution It was carried in the affirmative

It being objected to by Mr. Caldwell[*] that there was not a constitutional majority of members present (There being only three members & the speaker) The speaker decided that there was a constitutional majority, and on appeal from the decision of

the chair to the house—It was carried in the affirmative [negative?]

The ays and noes being called for by a member present, to wit Mr. Caldwell Those who voted in the affirmative were Messrs Johnston McFarland & Rue & those who voted in the negative were Messrs Caldwell Dill Jones & Templeton

Mr. McFarland asked and obtain leave to introduce the following resolution The same being read as follows A resolution describing the place of the meeting of the Legislature

Be it Resolved by the Legislative Council and house of Representatives and it is hereby resolved by the authority of the same that the governor in[*] prorogueing the Legislature shall assign the Town of Madison in the county of Jefferson Indiana Territory as the place of their next meeting On the questions being put will the house concur in the said Resolution It was carried in the affirmative ays 4 noes 3—

The ays & noes being called for by a member present those who voted in the affirmative were Messrs Dill, McFarland Templton & Rue and those who voted in the negative were Messrs. Caldwell Johnston and Jones

Ordered that the clerk do carry the said resolution to the Legislative Council and desire their concurance thereto

Mr. McFarland asked and obtained leave to introduc a Bill repealing an act for organising a court of chancery and for other purposes The same being read the first time

On motion ordered that the said bill be read a second time now The same being read[*]

On motion ordered that the said bill be engrossed & read a third time now The same being engrossed & read a third time

On motion ordered that the said bill do pass and that the title be an act repealing an act for organising a court of chancery & for other purposes

Ordered that the clerk do carry the said Bill to the Legislative Council and desire their concurance thereto

Mr. McFarland from the committee to whom was refered the papers the purport of which appear to to be to provide for the improvement of the internal navigation of the state of New York

—beg leave to report—That considering that under a Territorial government we hav no vote in the councils of the nation It would be improper for us to interfere unless in the humble character of suppliant petitioners[*] Therefore in the present case we consider it improper to notice the subject any farther

Ordered that the clerk do carry the said communication of the governor and the accompanying documents to the Legislative Council agreeable to the request of the governor—

On motion that the house do now proceed to consider the amendments made by the Legislative Council to the bill making appropriations for the ensuing year

On motion that the house concur in the amendments made by the Legislative Council to the bill making appropriations for the ensuing year

On the questions being put will the house concur in the amendments made to the said bill It was carried in the negative[*]

On motion ordered that a committee of conference be appointed on the said bill Mr Caldwell was appointed such committee

Ordered that the clerk do inform the legislative Council thereof and desire a simelar appointment on their part

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have reconsidered in their amendments to the bill in amindment of the act entitled a law regulating county levies to which they desire the concurance of this house[44]

On motion ordered that the house proceed to consider the amendments made by the Legislative Council to the Bill in amendment of the act entitled a law regulating county levies

On motion ordered that that the house do concur in the[*] amendments made to the said Bill by the Legislative Council

Ordered that the clerk do inform the legislative Council thereof Mr. McFarland asked and obtained leave to introduce a bill for the increase of county Levies. The same being read a first time

44 An amendment to this act was also passed at this session, but there is no record of this in the Journal. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 288.

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be engrossed and read a third time now the same being engrossed and read

On motion ordered that the said Bill do pass and that the title be an act for the increase of County levies

Ordered that the clerk do carry the said bill to the Legislative Council & desire their concurance thereto

A message from the Legislative Council by Mr. Sullivan their clerk Mr Speaker[*] I am directed by the Council to inform this house that they have concured in the Bill to amend an act establishing and regulating the militia and in aid of an act supplementory to an act establishing and regulating the Militia with some amendments to which they desire the concurance of the house

On motion ordered that the house do now proceed to the consideration of the said bill with the amendments The same being read

On motion ordered that the house do concur in the amendments

Ordered that the clerk do inform the Council thereof

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the council to inform this house that they have concured in the memorial to congress praying that the sheriff[*] may be elective also that they have concured in the Joint resolution respecting the auditor and printer with some amendments to which they desire the concurance of this house[45]

On motion ordered that the house do now proceed to consider the amendments made by the Legislative Council to the Joint resolution respecting the auditor and printer

On motion that the house do concur in the amendments made by the L. Council to the said resolution

On the questions being put will the house concur in the amendments made by the L. Council to the said Resolution It was carried in the negative

On motion ordered that clerk do inform the legislative council thereof On motion ordered that[*] a committee of conference be

[45] This is the first mention of this resolution.

appointed on the Joint resolution rspecting the auditor and printer. Mr Rue was appointed

Ordered that the clerk do inform the Legislative Council thereof and desire a semelar appointment on the part of the Legislative Council

Mr. McFarland from the committee to whom was refered the message of the governor upon the subject of the late battle with the Indians reported that they had according to order had the same under consideration and beg leave to report the following answer

HIS EXCELENCY WILLIAM HENRY HARRISON GOVERNOR AND COMMANDER IN CHIEF OF THE INDIANA TERRITORY

SIR when this house addressed that portion of the troops to which you refer in your[*] communication of the 9th inst it was not the intention of this body to cast a shade over any portion of the troops that were under the command of your excellency in the late engagement, nor to take from the commander in chief any of that honor which he so nobly accquired in the late victory— In the Joint address of both houses to you their notice of the militia in general terms was thought sufficient as it was out of their power to notice every man who distinguished himself therefore it was considered that any evidence of respect paid to the commander in chief was an evidence of approbation to all— It is not to be supposed that those gentlemen to whom it is supposed particular respect has been paid has done any more than their duty or that they distinguished themselves any more than many private soldiers —Those gentlemen who fell some[*] of them did well and some others had not the opportunity being killed too early in the battle— but there is not an individual of this body but acknowledges that it was a well fought Battle and that praise is due—but they generally agree that the Laurels won principally ought to be the property of the commander in chief

On motion ordered that the house do concur in the said answer On motion ordered that the clerk do make out and attest a copy of the said answer which shall be signed by the speaker & by him transmitted to the governor

A message from the Legislative Council by Mr. Sullivan their clerk Mr Speaker I am directed by the council to inform this house that they have disagreed to the resolution which originated in this house for discribing the[*] next meeting of the Legislature Also that they have rejected the Bill for the increase of the county revinue Also that they have appointed Mr Manwaring as a committee of conference on the bill making appropriations for the ensuing year Also that they have appointed Mr Wilson as a committee of conference on the Joint resolution respecting the auditor & printer

Mr McFarland from the committee of enrolled bills reported that they had compared the following engrossed with the enrolled Bills viz an act allowing a compensation to the members of both houses and the officers of the same— Also the memorial to congress praying that the sheriff may be by law elected and find them duly enrolled Whereupon the speaker signed the sam ordered that the clerk do carry the same to the L. Council & desire the signiture of the president thereto[*]

A message from the Legislative Council by Mr. Sullivan their clerk Mr. Speaker I am directed by the Council to inform this house that they have passed an act in addition to an act entitled an act for the prevention of vice and immorality also that they have rejected the Bill which originated in this house repealing the act regulating the court of chancery

On motion ordered that the house do now proceed to consider the bill from the Legislative Council in addition to an act entitled an act for the prevention of vice & immorality The same being read

On motion that the said bill be read a second time now on the questions being put shall this bill be read a second time now It was carried in the negative ordered that the clerk do inform the Legislative Council thereof[*]

On motion ordered that the house adjourn till 3 oclock

Tuesday Decr 17th 1811

The house met agreeable to adjournment

Mr. Dill asked and obtained leave to introduce the following Resolution The same being read as follows

A Joint resolution to Governor Harrison

Be it resolved by the Legislative Council and house of Representatives and it is hereby resolved by the authority of the same that his excellency Wm H Harrison be required to call the commissioners as appointed &c the law providing for a permenant seat of government and immediately carry the laws upon that subject into full & complete effect[*]

On motion that the said resolution resolution be read a second time now on the questions being put shall the said Resolution be read a second time

The ays & nois being called for by a member present It was carried in the affirmative ays 4 nays 3 Those who voted in the affirmative were Messr. McFarland, Dill Johnston and Rue and those who voted in the negative were Messrs Caldwell, Jones, & Templeton

On motion ordered that the said Resolution be engrossed & read a third time now The same being engrossed & read

On motion that the said resolution do pass and that the title be a Joint resolution to his excellency Wm. H Harrison on the question being put shall this resolution pass[*] The ays & nois being called for by a member present—It was carried in the affirmative ay 4 noes 3 Those who voted in the affirmative were Messr Dill Johnston McFarland & Rue and those who voted in the negative were Messr Caldwell Jones & Templeton

Ordered that the clerk do carry the said Resolution to the L Council & desire their concurance thereto

The speaker laid before the house the following communication from the governor to wit that he had rejected the act for the releif of the Legal Representatives of John McCandless late sheriff of Knox County for certain services[46]

[46] A bill with the same title was introduced from the Council this same day, passed, and was signed by the Governor on December 19. It appropriated $40 to the legal representatives of McCandless for expenses incurred by him as sheriff in holding elections in April, 1811. See below and Ewbank and Riker (eds.), *Laws, 1809-16,* p. 251.

A message from the Legislative council by Mr Sullivan their clerk Mr. Speaker I am directed[*] by the council to inform this house that they have thought proper not to consider the Joint resolution to his excellency William Henry Harrison[47]

On motion ordered that the house adjourn

Wednesday December 18th 1811

The house met agreeable to adjournment

A message from the Legislative Council by Mr. Sullivan their clerk—Mr Speaker I am directed by the Council to inform this house that they have passed a bill for allowing compensation to the legal representatives of John McCandless Esqr deceased late sheriff of Knox County late sheriff of Knox County for certain services Also that they have rejected the Bill from this house authorising the board of trusties of the Vincennes University to lay off a Town on the semenary land & for other purposes—Also that they have concured in the fixing the times of holding the courts in certain counties of this Territory and for other purposes also that they have passed an act[*] supplemental to an act intitled an act regulating Ferries to which they desire the concurance of this house

[47] The Council's refusal to consider this resolution concerning the commissioners appointed to fix the seat of government, was apparently the last action of this Assembly on the matter. Johnston's comments are interesting: "From the propriety of the laws which were passed at the last session upon the subject of the permanent seat of government, it was hoped that the subject would rest until it was ascertained whether those laws could be carried into effect or not, and not that each successive session should be trifled away in debates that *one extreme of the territory was entitled to precedency of an other!* But calculations of this kind remind us of our nature, and that we are prone to unsteadiness; for during this session; 'a stone was not left unturned,' every light in which the subject could legally be viewed by the two Houses, was essayed. But the many and various attempts to remove it to Madison failed in either one or the other of the Houses, or before the Executive. . . . However, I am thus frank, and it does me pleasure to declare, that the member from Jefferson (Mr. M'Farland), by his ingenuity and address upon this subject discharged every obligation or duty he could possibly owe his immediate Constituents, and although he failed, that failure is not to be ascribed to the want of industry on his part." Vincennes *Western Sun*, December 28, 1811.

Mr Rue from the committee of conference on the Joint Resolutions respecting the auditor and printer Reported that the committee of conference had agreed that the Legislative Council should recede from their amendments made to the third resolution as relates to the auditors contracting with the printer for printing the Journals of both houses and that this house do recede from their objections to the amendment made by the Legislative council to the said third resolution as directed the printing of the Journals of both houses

On motion ordered that the house do concur in the said Report

Ordered that the clerk do inform the council thereof

Mr. Caldwell from the committee of conference on the Bill making appropriation for the ensuing year Reported that the Legislative Council do recede from their amendments made to the second section of the said Bill as respects the allowance made to Parmenas Beckes for house[*] rent and that this house do recede from their objections to the amendments made by the Legislative Council to the said section as respects the allowance made to James Dill & other members who attended the present session agreeable to the prorogueation of last session

On motion ordered that the house do concur in the said report

Ordered that the clerk do inform the legislative Council thereof

Mr. Caldwell asked & obtained leave to introduce the following resolution The same being read as follows

Resolved by the House of Representatives The Legislative Council concuring therein that the secretary of the Legislative Council and clerk of the house of Representatives be and they or either of them are hereby authorised required & enjoined to give any person or persons applying for an extract from their respective Journals a certified transcript of such part or parts thereof as may be required on such applicant or applicants paying for the same at the rate of twelve & an[*] half cents for every hundred words contained in any such transcript or transcripts

On motion ordered that the house do concur in the said report

Ordered that the clerk do inform the Legislative council thereof and desire their Concurance thereto

A message from the Legislative Council by Mr. Sullivan their

Clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the report of the committee of conference on the Joint resolution respecting the auditor and printer Also that they have concured in the report of the committee of conference on the Bill making appropriations for the ensuing year also that they have concured in the Joint Resolution respecting the clerks of both houses directing them to give transcripts of the Journals in certain cases

On motion ordered that the house do now proceed to consider the Bill from the L. Council allowing compensation to the legal representatives of John McCandless[*] Esqr deceased late sheriff of Knox County for certain services The same being read the first time

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said bill be engrossed & read a third time now The same being engrossed & read

On motion ordered that the said bill do pass and that the title be an act allowing compensation to the Legal representatives of John McCandless Esqr dece[ase]d late sheriff of Knox County

Ordered that the clerk do carry the said bill to the Legislative Council and inform them that this house have concured to the same without amendments[*]

A message from the governor by Genl Gibson his private secretary Mr. Speaker I am directed by the governor to inform this house that he has signed the following laws viz

1 an act for the releif of Danniel Sullivan late assessor of the county of Knox

2d an act for the releif of Parmenas Beckes late sheriff of Knox County

3 an act for the releif of Willis W Goodwin late sheriff of Clark County

4 an act for the releif of James Hamilton sheriff of Dearbon County

5th an act regulating the General elections of the Indiana Territory—

6th an act supplementory to the act intitled an act regulating the general elections of the Indiana Territory
7th a Joint resolution respecting a certain audited warrent
8th an act respecting the general fund
9 an act authorising the court of common pleas of Dearbon county to allow the sheriff thereof compensation for certain services[*]
10 an act in aid and amendment of the act allowing foreign attachments and the act prescribing the mode of proceeding against absconding Debtors
11th an act for regulating the appointment of officers and for other purposes
12th an act to dissolve the marriage of Marian Bornond with Henry S. Bornond Her husband—
13th an act to disolve the marriage of Benjamin V Beckes & Sally his wife
14th an act regulating the proceedings in indictments
15th an act repealing the benefits of the act concerning executions in certain cases
16th an act allowing compensation to the members of both houses & the officers of the same
17th an act authorising the courts of common pleas to issue writs of certiorari and Habeas corpus in certain cases[*]

On motion ordered that the house do proceed to consider the Bill from the Legislative Council supplementory to an act entitled an act to establish ferries The same being read the first time

On motion ordered that the said bill be read the second time now The same being read

On motion ordered that the said bill be engrossed & read a third time now The same being read & engrossed

On motion ordered that the said bill do pass and that the Title be an act supplementory to an act intitled an act to establish ferries

Ordered that the clerk do inform the Legislative Council thereof—

Mr. Jones asked and obtained leave to introduce the following resolution The same being read as follows

A Joint Resolution allowing compensation to Genl John

Gibson for certain services Resolved by the Legislative council and house of representatives[*] That the Territorial auditor be and he is hereby directed to audit to John Gibson the sum of forty dollars payable at the Treasury as in other cases, for his Trouble in attending at the seat secretaies office & distributing to the members of the Legislature & other officers different laws at different times

On motion that the house proceed to consider the bill from the Legislative Council intitled an act authorising and regulating arbitrations The same being read the first time

On motion ordered that the said bill be read a second time now The same being read

On motion ordered that the said Bill be committed to a committee of the whole house and made the order of the day for today

The house according to the order of the day Resolved itself into a committee of the whole house on the bill authorising[*] and regulating arbitrations and after some time spent therein Mr. Templeton Reported that the committe of the whole according to order had the said Bill under consideration and have made several amendments thereto to which they desire the concurance of the house which he delivered in at the clerks table where they were read

On the questions being put will the house concur in the report of the committee of the whole on the said bill It was carried in the affirmative Genl W. Johnston was excused from voting on the said bill

On motion ordered that the said bill be engrossed & read a third time The same being engrossed & read

On motion ordered that the said bill do pass and that the title be an act to amend an act entitled an act authorising and regulating arbitrations

Ordered that the clerk do carry the said bill to the Legislative council & desire their concurance thereto[*]

Mr. Caldwell asked and obtained leave to introduce the following resolution The same being read as follows

Resolved by the house of Representatives The legislative council concuring therein That Mess McFarland & Wm Jones be and they are hereby appointed a committee to wait upon his Excellency

the Governor of the Territory This day and inform him that the two houses will have compleated the legislative business be fore them by to morrow twelve oclock A M when They request that his Excellency will attend and prorogue the present session of the Legislature

Ordered that the clerk do inform the Legislative Council thereof and desire their concurance thereto

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that they have concured in the amendments made by this house in the Bill to amend an act intitled an act authorising and regulating arbitrations[*] also that they have rejected the Joint resolution allowing compensation to Genl John Gibson for certain extra services[48] Also that they have concured in the Joint resolution requesting the Governor to prorogue the Legislature

Mr. McFarland from the committee of of enrolled Bills reported that they had compared the following enrolled with the engrossed bills viz

1 an act allowing compensation to the legal representatives of John McCandless

2d an act entitled an act supplemental to an act intitaled an act for regulating Ferries

3d an act making appropriations for the ensuing year

4th an act to amend the act intitled an act for levying and collecting a tax on land & for other purposes[49]

[48] Either this is an error or the Council reversed its position, for the laws of this session include a joint resolution allowing compensation to General Gibson for certain extra services. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 289.

[49] There was also passed at this session "an act supplemental to the law levying a land tax," of which there is no record in this Journal. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 286-87. The original manuscript act is in the English Collection, Indiana Historical Society Library. The title and first words are in the hand of John Johnson, clerk of the House. The body of the document is in the hand of James Dill. It is signed by General W. Johnston, Speaker of the House, and James Beggs, President of the Council, and was approved by Harrison on December 19, 1811. According to an endorsement in Johnson's hand, it originated in the House.

Whereupon the speaker signed the same Ordered that the clerk do inform[*] the Legislative Council thereof and desire the signiture of the president thereto

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker I am directed by the Council to inform this house that the president has signed the following acts viz

1st an act allowing compensation to the legal representatives of John McCandless

2d an act entitled an act supplemental to an act intited an act for regulating ferries

3 an act making appropriation for the ensuing year

4th an act to amend an act entitled an act for levying and collecting a tax on land and for other purposes

On motion ordered that the house adjourn[50]

[50] The MS. Journal breaks off at this point with no record of the final day of the session.

FOURTH GENERAL ASSEMBLY
FIRST SESSION

February 1—March 12, 1813

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY Begun and held at the town of VINCENNES on Monday the first day of February one thousand eight hundred and thirteen and of the independence of the United States the thirty seventh[1]

This being the day appointed by the proclamation of his excellency John Gibson Esqr acting governor of the Indiana Territory[2] for the meeting of the Legislature the following members appeared and the oath of office being severally administered to them by his Excellency John Gibson Esqr they took their seats to wit[3]

From the county of Wayne	James Brown
Franklin	James Noble
Dearborn	James Dill
Jefferson	William McFarland
Clark	James Scott
Harrison	Dennis Pennington

The members then proceeded to elect by ballot a speaker when upon counting the votes it appeared that James Scott had five votes for

[1] From manuscript Journal in Archives Division, Indiana State Library. Parts of the Journal appeared in the Vincennes *Western Sun,* February 13, 20, and 27, March 6 and 20, 1813. The proclamation convening the legislature was issued December 18, 1812. Territorial *Executive Journal,* 188.

[2] Harrison resigned his office as Governor in a letter to Secretary of State Monroe, December 28, 1812, saying, "I have determined to resign the civil office; and accordingly request the president to receive this as my resignation. . . . " The letter appeared in the Vincennes *Western Sun,* January 30, 1813. Monroe denied ever receiving the letter, and, consequently, the exact time at which Harrison's resignation became effective is in doubt. Carter (ed.), *Territorial Papers,* 8:227, and note.

[3] Election of representatives had taken place on the first Monday in August, 1812, under the act regulating general elections passed in 1811. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 225-26.

speaker and Dennis Pennington one whereupon James Scott being duly elected was conducted to the chair. The house then proceeded to elect a clerk when after counting the votes the speaker declared William Hendricks unanimously elected The house then proceeded to elect a door keeper whereupon on counting the votes the speaker declared Benjamin Adams duly elected having four votes and Mark Barnet one

On Motion of Mr Noble Resolved that the clerk of this house inform the Legislative council that they have formed a quorum elected James Scott speaker and are now ready to proceed to Legislative business and that they have elected William Hendricks clerk of the house of Representatives

On Motion of Mr Noble Resolved that the clerk of this house inform the Legislative council that they have appointed Benjamin Adams[4] door keeper to the house of representatives and that they request the concurrence of the Legislative council thereto

On Motion Ordered that a committee be appointed to bring in rules and regulations for the government of the house during the present session and that Messrs Pennington and Dill be that committee

On Motion—Resolved that a committee of ways and means be appointed to consist of one member from this house and one from the Legislative council that the clerk of this house do carry this resolution to the Legislative council and desire their concurrence thereto and [request] the appointment of a similar committee on their part and that Mr Dill be appointed that committee

On Motion—Ordered that a select committee of elections be appointed to receive the credentials of the different members and report thereon to this house and Messrs McFarland and Noble be that committee

A message from the Legislative council by Mr Sullivan their

[4] Adams is said to have been the first white child born in Louisville. He was a shoemaker by trade, but upon his conversion to Methodism he began preaching. He studied medicine in Philadelphia and moved to Corydon where he practiced medicine and preached in the local Methodist church. He died in 1833. Fernandez C. Holliday, *Indiana Methodism: Being an Account of the Introduction, Progress and Present Position of Methodism in the State* . . . (Cincinnati, 1873), 95-96.

clerk Mr Speaker the Legislative council have formed a quorum and are ready to proceed to Legislative business[5] they have appointed G. R. C. Sullivan clerk and Mark Barnet door keeper and request the concurrence of the house of representatives thereto[*]

A message from the Legislative council by Mr Sullivan their clerk Resolved that a committee be appointed on the part of this house to act with such committee as may be appointed on the part of the house of representatives to inform the acting governor that a quorum of both houses are formed and are ready to receive any communication he may be pleased to make to them and Mr Johnson be that committee and that the clerk inform the house of representatives thereof—On motion concurred in and that the clerk inform the Legislative council that James Dill is appointed a committee for that purpose

A message from the Legislative council by Mr Sullivan their clerk On Motion of Mr Johnson Ordered that a committee of ways and means be appointed on the part of this house to act with such committee as may be appointed on the part of the house of representatives and that Mr Wilson be that committee ordered that the secretary inform the house of representatives thereof

Daniel McClure a member from Knox county appeared the oath of office being administered by his Excellency John Gibson Esqr he took his seat

A message from the Legislative council by Mr Sullivan their clerk[*] Resolved that this house do not concur in the appointment of Benjamin Adams as door keeper to this house this house having already appointed Mark Barnet[6] door keeper and that the clerk do inform the house of representatives thereof

5 Members of the Council were James Beggs, Clark County; Solomon Manwaring, Dearborn County; John Harbison, Harrison County; John Johnson and Walter Wilson, Knox County. Johnson had been elected on January 16 to succeed William Jones, resigned. Vincennes *Western Sun,* January 9, 23, 1813.

6 Barnett was among the outstanding citizens of Vincennes, a tavern keeper and property owner. While he does not figure prominently in public life, he was elected a member of the first board of trustees of Vincennes under the charter granted the borough in 1814. He was also com-

On Motion Ordered that this house adjourn till tomorrow morning at ten O clock and the house adjourned accordingly

February 2nd 1813

The house met agreeably to adjournment

The committee appointed to bring in rules and regulations for the government of the house the present session beg leave to report that the rules and regulations of eighteen hundred and ten be adopted with the following alterations Viz

Article 9th the speaker shall vote on all questions unless excused by the house for particular reasons[7]

Mr Dill from the committee of elections made the following report

Mr Speaker the committee appointed yesterday to receive the credentials of the different members and report thereon to this house house beg leave to report that they have examined the certificates and credentials which were referred to them of the following members viz[*]

From the county of Wayne	James Brown
Franklin	James Noble
Dearborn	James Dill
Jefferson	William McFarland
Clark	James Scott
Harrison	Dennis Pennington
Knox	Daniel McClure

and find them duly elected and entitled to their seats in this house

JAMES NOBLE
WILLIAM MCFARLAND } com

The speaker then laid before the hous a written document containing the grounds and evidence and also the notice of Elijah

missioned associate judge of Knox County in 1820. Greene, *History of Old Vincennes and Knox County,* 1:491; Dorothy Riker (ed.), *Executive Proceedings of the State of Indiana, 1816-1836* (*Indiana Historical Collections,* vol. 29, Indianapolis, 1947), 133.

[7] There is no record of any changes in the rules between 1805 and the present session. However, some changes must have been made in those sessions for which there are no Journals. The section relating to the speaker's voting privilege was number 8 in the rules adopted in 1805. *Ante,* 32. See *post,* 497, for final action on the ninth article.

Fisher to set aside the election of James Brown the member returned to serve in this house from Wayne county

On Motion referred to a select committee of Messrs McFarland and Pennington

On Motion of Mr Dill a third member was added to the above members Mr Dill was appointed

Mr Dill informed the house That the committee waited on the governor and informed him that a quorum of both houses had met and wer ready to recieve any communication he might be pleased to make to them and were informed that he would wait on both houses this day at eleven O clock convened in the representative chamber[*]

The governor according to information waited on both houses convened in the representative chamber and made the following communication

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The Governor of the Territory having been for some time absent from us the Gubernatorial functions consequently devolving upon have been exercised by me In my discharge of this important trust I have been actuated by none other than a wish to preserve publick rights and protect private property. If I have at any time failed in my Official duties or erred in my plans you must attribute it to the head and not the heart

My address to you Gentlemen shall be laconic for I am not an Orator nor accustomed to set speeches and did I possess the abilities of Cicero or Demosthenes I could not portray in more glowing colours our Foreign and Domestic political situation than it is already experienced within your own breasts. The United States have been latterly compelled by frequent acts of injustice to declare War against England I say compelled for I am convinced from the pacific and Agricultural disposition of her citizens that is must be a case of the last necessity which would induce such a measure for the detailed causes of the war I beg leave to refer you Gentlemen to the Message of his Excellency the President—to Congress at the commencement of its present session[*]

It is highly worthy the serious perusal of the sage and the patriot—it does honor to the head and the heart of Mr Madison. Altho I am not an admirer of Wars in the General yet as we now are engaged in a necessary and justifiable one I can exultingly say that I am happy to see in my advanced days our little but inimitable Navy riding triumphantly on the seas but chagrined to find that our armies by land are so little successful The spirit of 76 appears to have fled from our continent or if not fled it is at least asleep for it appears not to pervade our armies generally. On the contrary Lassitude and too often schisms have crept in and usurped the place of patriotic ardor.

At your last assembly Gentlemen our political Horizon seemed clear—Our infant Territory bid fair for rapid and rising Grandeur. Our population was highly flattering—our citizens were becoming pro[s]perous and happy and security dwelt every where even on our frontiers. But alas! the scene has changed and whether this change as it respects our Territory has been owing to an over Anxiety in us to extend our domains or to a wish for retaliation by our foes or to a foreign influence I shall not pretend to decide, but that there is a change and that too a distressing one is evident. For that the Aborigines our former neighbours and friends have become our most inveterate foes. They have drawn the scalping knife and raised the tomahawk and shouts of savage fury are heard at our thresholds[*] Our former frontiers are now wilds and our inner Settlements have become frontiers. Some of our best citizens and old men worn down with age and helpless women and innocent babes have fallen victims to Savage cruelty. Our citizens even in our towns have frequent alarms and constant apprehensions as to their preservation. I have not been inattentive to my duty Gentlemen, but have hitherto and shall continue to exert every nerve to afford our citizens all possible protection; and it is to be hoped that the allwise and powerful creator and Governor of the Universe will not forget his people but cover us from our savage and sanguinary foe by his benign interposition.

For the state of our fiscal affairs I refer you gentlemen to the reports which are required by law and which no doubt will be made to you early in the session by the Auditor and Treasurer.

What amount has been drawn from the contingent fund by Govenor Harrison previous to his departure from the Territory I know not gentlemen; but that fund remains untouched by me

Our present Militia law is complained of as being still very defective. Our present Adjutant General who is pretty much the disciplinarian and I believe tolerably acquainted with Military tactics will no doubt if called upon detail to you some of its most prominent defects and suggest the proper remedies.[8] To me it appears that the principal defect is owing to the execution, not the law. It is an old and I believe a correct adage that good officers make good soldiers this evil having taken root, I do not know how it can be[*] eradicated but it may be remedied. In place of men searching after and accepting of commissions before they are tolerably qualified thereby subjecting themselves to ridicule and their country to ruin barely for the name of the thing; I think may be remedied by a previous examination. This however amongst other important Territory concerns rests with the Legislature

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

As the immediate Guardians of the publick purse I would recommend a reconsideration of the revenue laws Enquire whether the authority given to the several officers concerned in the levying and collecting the taxes is as ample and complete as it should be to meet the exigencies and give energy and respect to our Government for our publick credit is at a low ebb I also recommend enquiry into the salaries of our Territorial officers whether are the salaries an adequate compensation for the duties performed? for the good old maxim is "Good work good pay and liberal salaries are the only sure means of securing good officers" consequently a faithful discharge of duties.

GENTLEMEN OF THE LEGISLATIVE COUNCIL

With you rests the important task of guarding in a more special manner the rights and liberties of your fellow citizens, and I have no doubt but in the discharge of your important duties you will

[8] Daniel Sullivan was commissioned a colonel in the territorial militia and appointed adjutant general on January 14, 1813. Territorial *Executive Journal,* 189

be governed by moderation and a due regard to the trust reposed in you[*]

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

In your deliberations I recommend a conciliatory disposition towards each other and as to myself suffer me to assure you that you shall have my cordial cooperation in any measure that may tend to the publick good

Should any thing of moment and publick concern transpire Gentlemen you shall be duly informed thereof from time to time

VINCENNES February 2nd 1813

JN GIBSON

On Motion of Mr Dill

Resolved that a committee of two be appointed to draft an answer to the address of his Excellency John Gibson Esqr acting governor of the Indiana Territory and that Messrs Noble and McFarland be that committee

The Speaker then laid before the house the report of the auditor and on motion of Mr Noble referred to Messrs Dill and McClure a select committee

On motion Mr Noble was added to the committee

A message from the legislative council by G. R. C. Sullivan their clerk Mr Speaker and Gentlemen of the house of representatives I am directed to inform this house that the Legislative council have appointed Mr Wilson[*] a committee of enrolled bills on their part to act in conjunction with one on your part

On Motion of Mr Noble Resolved that John Johnson the former clerk of this house deliver over to Wm Hendricks the present clerk all the papers and books in his possession or appertaining to his said office

On motion of Mr McFarland Resolved that a comittee of one be appointed a committee of enrolled bills on the part of this house to act jointly with a committee appointed by the Legislative council for that purpose and that the clerk of this house inform the council thereof and Mr Noble was appointed a committee for that purpose

G. W. Johnson auditor of publick accounts made an additional report and

On Motion of Mr McFarland Resolved that the additional report of the auditor of publick accounts be referred to the same committee to whom was referred the original one

On Motion of Mr Dill Resolved by the house of representatives that a select committee be appointed to examine the necessity if any of amending the act entitled an act fixing the time at which the courts of common pleas are to be held in certain counties and for other purposes passed in the year of our Lord eighteen hundred and ten[*] and also the act entitled an act fixing the time of holding the courts within certain counties in this Territory and for other purposes [passed in 1811] and that the committee have leave to report by bill or otherways and that Messrs Dill Pennington and McClure be that committee

A message from the Legislative council by their clerk Mr Speaker I am directed by the legislative council to inform the house of representatives that they have adopted the joint rules of both houses for the present and request the concurrence of the house of representatives thereto On Motion concurred in and thereupon on motion the clerk ordered to inform the legislative council thereof

On Motion of Mr McFarland Resolved that as the existing law regulating elections present features unfavorable to the independent expression of publick sentiment that a committee of three be appointed to report by bill or otherways and that McFarland Pennington and Brown be that committee

On Motion of Mr McFarland Resolved that Messrs Noble Dill and Brown be a committee to prepare and bring in a bill regulating the Indiana Militia on motion ordered that Mr Pennington be added to that committee

Mr Noble presented sundry resolutions of a republican society of Brookville recommending to the[*] legislature amendments to certain laws mentioned therein On motion ordered that said resolutions be referred to a select committee and that Messrs Noble and Pennington be that committee[9]

[9] For the report and action on these resolutions, see *post,* 498-99, 505, 549.

On motion of Mr Dill Ordered that the house adjourn till tomorrow morning at ten O'clock and the house adjourned accordingly

February 3rd 1813

The house met agreeably to adjournment

Mr Robb a member from Knox county appeared presented to the chair a certificate of his election and also a certificate of his oath of office by Genl Gibson which on motion were referred to the committee of elections

On motion of Mr Pennington Ordered that the 9th Article of the printed rules and regulations of this house be amended by adding the following words Viz or on a division of the house or where the Yeas and nays are called for

Mr Dill from the committee of to whom was referred the documents respecting the election of David Rob[b] a member from Knox county reported that the committee of elections having examined the certificate of David Robb declare him duly elected and entitled to a seat in this house

On Motion report of said committee concurred in

The Speaker then laid before the house a memorial from the Trustees of Jeffersonville containing certain propositions respecting the removal of the seat of government to that place—Likewise the petition of Elisabeth Reynolds[10] praying to be divorced from her husband and referred to Messrs Noble and Pennington

On motion of Mr Noble Resolved by the house of representatives that a select committee be appointed to draft a memorial to the congress of the United States praying them to extend the time of payment to purchasers of the publick lands in the Indiana Territory[11]

[10] Elizabeth Rennolds (or Reynolds) petitioned the preceding Assembly for divorce. A bill granting divorce passed both houses but apparently failed to receive the Governor's signature. *Ante,* 392n. In order to relieve the Assembly of acting on the increasing number of divorce cases, an act was passed at this session enlarging the power and jurisdiction of the General and circuit courts in granting divorces. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 356-58. No divorces were granted by the Assembly during this session.

[11] The memorial which the committee drafted was passed and forwarded to Congress where it was read in the House on March 3, and

On motion ordered that the house concur in the message from the legislative council stating that they have appointed Mark Barnet door keeper

Mr Pennington laid before the house the petition of Joseph Paddix deputy Sheriff of Harrison county praying that further time be allowed him to collect the taxes of Harrison county—On motion referred to a select committee to report by by bill or otherways Messrs Pennington and McFarland were appointed that committee

Mr Pennington laid before the house the petition and memorial of sundry inhabitants of Harrison county praying the legislature to pass a law in their favour respecting the leasing of school sections of land referred to Messrs Pennington McFarland and Robb a committee appointed for that purpose[*]

Mr Noble from the committee to whom were referred certain resolutions of a republican society of Brookville made the following report

Mr Speaker your committee that was appointed to report by bill or otherways upon the resolutions referred to them which were entered into by the Brookville corresponding republican Society beg leave to report upon the first resolution as it respects the limiting of the time for granting writs of certiorari by the judges of the court of common pleas to remove causes or suits instituted before a justice of the peace into the said courts

Your committee states that they have examined the second section of the act entitled an act authorising the courts of common pleas to issue writs of Habeas corpus and certiorari in certain cases and that so far as the section or law authorises the issuing of writs of certiorari to remove any suit or action improperly instituted and conducted by a justice of the peace within this Terri-

May 27, 1813. The memorial is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 790-92. Laws were approved on March 3, 1813, and February 19, 1814, granting further time to purchasers of public lands to complete their payments. U. S. *Statutes at Large,* 2:811-12, 3:97-98; Jennings to Citizens of Indiana Territory, April 11, 1814, in Logan Esarey (ed.), *Governors Messages and Letters, Vol. III. Messages and Papers of Jonathan Jennings, Ratliff Boon, William Hendricks* (*Indiana Historical Collections,* vol. 12, Indianapolis, 1924), 29-30.

tory either before or after Judgment shall have passed on the said suit or action gives too great latitude and therefore is prejudicial to the people at large in delaying the collection of just debts and preventing the due administration of justice. To remedy the difficulty your committee beg leave to introduce a bill herewith submitted—On motion the bill was received and read. On motion ordered to be read a second time[*]

On Motion of Mr Noble referred to a committee of the whole house and made the order of the day for tomorrow

On Motion of Mr Noble Resolved by the house of representatives that it is improper to have a separate door keeper for this house and the legislative council the expense being unnecessary and as the legislative council have refused to concur in the appointment of Benjamin Adams as door keeper by this house it is proper therefore to discharge Benjamin Adams from any further service and that Mark Barnet be received as door keeper to both houses and also when the law passes making appropriations for the present year that Benjamin Adams be allowed a compensation for the time he has served and the clerk of this house inform the legislative council and require their concurrence

A message from the legislative council by Mr Sullivan clerk Mr Speaker I am directed to inform the house of representatives that the legislative council have concurred in the resolution of this house respecting door keeper

Mr Pennington laid before the house the petition and documents of Elisabeth Green praying to be divorced from her husband Also the petition and documents of Daniel Daverson praying to be divorced from his wife—On motion referred to a select committee and that they have leave to report thereon by bill or otherwise. Referred to Messrs McFarland[*] Pennington and Brown—

Mr Dill from the committee to whom was referred the documents respecting the election of Mr Brown reported that the committee had examined the documents containing the grounds and evidence, and also the notice of Elijah Fisher to set aside the election etc and that they see no sufficient grounds contained therein to set aside the election. And on motion the report concurred in—

A message from the Legislative council by G.R.C. Sullivan their clerk Mr Speaker, I am directed to inform the house of Representatives that the Legislative council concurred in the dismission of Benjamin Adams as door keeper, that they coincide with them respecting the appropriation to be made in his favour and agree that Mark Barnet be door keeper to both houses—

On motion of Mr McFarland Resolved that a committee be appointed to bring in a bill giving the courts of common pleas jurisdiction in all cases of divorce as thereby a weighty amount annually to the Territory would be saved

On Motion of Mr McFarland[*] Ordered that the house adjourn till ten O clock tomorrow and the house adjourned accordingly

February 4th 1813

The house met agreeably to adjournment

On Motion of Mr Robb Resolved that a select committee be appointed to examine whether any and if any what amendments may be necessary to the several laws organizing courts for the trial of small causes and that they have leave to report by bill or otherwise and Messrs Robb Dill and Brown were appointed that committee

Mr Pennington from the committee to whom was referred the petition of Joseph Paddicks presented a bill allowing the said Joseph Paddicks further time to collect the taxes of Harrison County

On motion of Mr Pennington the bill for the relief of Joseph Paddicks was read the first time and on motion the said bill was read the second time

On motion of Mr Pennington The said bill for the relief of Joseph Paddicks was committed to a committee of the whole and made the order of the day for tomorrow

On Motion of Mr Noble The house resolved into a committee of the whole on the bill to amend the act entitled an act authorising the courts of common pleas to issue writs of habeas corpus &c. Mr Pennington was called to the chair[*] and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had the said bill under

consideration—had made several amendments thereto which were handed in at the clerks table where they were read and concurred in by the house

On Motion of Mr Pennington Ordered that the bill be engrossed and read a third time

The question then was shall the bill pass and the bill was passed accordingly. Ordered that the clerk carry the same to the legislative council and request their concurrence therein

Mr Dill asked leave to lay before the house the memorial of Mary Cheek together with other documents praying a divorce from her husband—On Motion ordered that the above petition with the accompanying documents be referred to a select committee and that they report thereon by bill or otherwise and Messrs Dill McClure and Brown were appointed that committee

On motion of Mr Noble, Ordered that the house adjourn till tomorrow morning at ten O clock and the house adjourned accordingly—[*]

February 5th 1813

The house met agreeably to adjournment

The Speaker then laid before the house the certificate and oath of Robert M Evans a member from Knox county and on motion of Mr Pennington, Ordered that the said documents be referred to the committee of elections

Mr Dill from the committee to whom was referred the documents respecting the election of Robert M Evans reported that they had examined the same—find him duly elected and entitled to a seat in this house which report on motion was concurred in

Mr Pennington from the committee to whom was referred the petition of sundry inhabitants of Harrison County reported a bill for the relief of those who leased School sections which was read the first time and on motion ordered that the said bill be read a second time tomorrow[12]

[12] This bill was for the relief of persons who had leased school sections (Section 16) under the 1803 act. This act provided that the courts of common pleas of the various counties might lease the school sections within their respective counties according to terms which seemed best calculated to improve the sections, provided the lessees promised to clear at least ten acres of every quarter section they leased. Philbrick (ed.),

On Motion of Mr Robb Resolved that the clerk of this house do furnish through the door keeper on each and every Monday morning of the present session to Elihu Stout editor of the Western Sun a copy of the journals of this house during the preceeding week in order that the same may appear in his paper for the information of the citizens of the Territory[13]

On Motion of Mr Pennington The house according to order resolved itself into a committee of the whole on the bill for the relief of Joseph Paddicks[*] and after some time spent therein Mr Speaker resumed the chair and Mr Dill reported that the committee had according to order had the said bill under consideration had made some progress therein and directed him to ask leave to sit again—Ordered that this house will again resolve itself into a committee of the whole on the said bill[14]

Mr Pennington from the committee to whom was referred the petition of Elisabeth Green reported a bill for the relief of the said Elisabeth Green which was read the first time and on motion the said bill was read a second time

Mr Noble from the committee to whom was referred the communication of his Excellency the governor reported that they had prepared an address to his Excellency which he submitted and read to the house which on motion was concurred in

Mr Pennington from the committee to whom was referred the petition of Daniel Daverson presented a bill which was read the first time

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the legislative council have passed a bill for

Laws, 1801-9, pp. 667-68. The relief bill failed to pass and was reintroduced in the following session where it again failed of enactment.

[13] The Journal of the House through February 13, 1813, was printed in the *Western Sun* of February 13, 20, and 27, and March 6 and 20, 1813. Hendricks declared that he placed the Journal for the remainder of the session in the hands of George R. C. Sullivan, who transmitted it to Elihu Stout, editor. James Dill and James Noble confirmed this. Letters of Hendricks, Noble, and Dill in Madison *Western Eagle,* October 3, 1813. The *Sun,* however, was for some reason forced to suspend publication for a while, no issues appearing between those of March 20 (vol. 5, no. 10) and July 10 (vol. 5, no. 11), which probably is the reason no more of the Journal was published therein.

[14] No further action is recorded on this bill.

the relief of the several sheriffs and collectors of the county monies —The question was then put shall the bill for the relief [of] Daniel Daverson be read a second time and carried in the affirmative[*]

On motion of Mr Noble Ordered that a committee be appointed to wait on his Excellency to know when and where he will receive from this house an answer to his communication made at the commencement of this session and Messrs Noble and McClure were appointed that committee

On motion of Mr Pennington Ordered that the bill for the relief of the several Sheriffs and collectors of the county monies sent down from the legislative council be read the first time and on motion the said bill was read a second time

Mr Dill from the committee to whom were referred the petition and documents of Mary Cheek presented a bill which was read the first time

Mr Noble from the committee appointed to wait on the governor to know when and where he would receive their answer to his communication reported that the committee had according to order waited on the governor and were informed by him that he would wait on them this day at 12 O clock in the representative chamber for that purpose

On Motion of Mr McFarland Resolved that notwithstanding heretofore the particular situation of our country went to justify appointments made without the limits of our Territory that we as the representatives of Indiana Territory memorialise the President and Senate of the United States that all appointments relating to said Territory be made[*] within said Indiana believing it more congenial to the feelings of freemen to be governed by citizens of their choice who have encountered the difficulties attending the first settlement of their country and consequently feel greater concern for and better understand our best interests and that a committee of three be appointed to report a memorial and Messrs McFarland Dill and Evans be that committee[15]

[15] The question of who would be the next governor of the Territory undoubtedly prompted this resolution. See report of the committee, *post*, 525-26.

His Excellency agreeably to information waited on the house of representatives and received their address as follows

Sir We have heard with pleasure the communication which you have been pleased to make to the legislative council and the house of representatives at the opening of the present Session; and remark that your patriotism has long drawn down the attention of the only nation upon earth enjoying the liberal exercise of ration[al] liberty. We are happy in congratulating you that notwithstanding the many years that the critical eye of envy has had an opportunity of observing you in the discharge of your duties of a national concern and important trusts confided in you by your nation: that yet for the most cogent reasons national patronage is extended to you in the evening of your life. Your communication Sir whilst it evinces strong intellectual endowments convinces us that you have marked the defects of our legislative provisions[*] We regret Sir with you that our country has been forced to appeal to arms in vindication of our national rights. The consequences of of which probably are equally fatal to this section of the Union as any other and which without energetic measures will soon be in a state of confusion

But we rejoice Sir that there are reasons for believing that ample provision will be made for our defence and that our citizens are willing to submit to all those privations and difficulties attending a country under the pressure of Indian warfare, and that our government will not stop short of the establishment of those principles of right of which we have too long suffered the violation. We have Sir witnessed the defects of our military system and to cooperate with you in rendering the militia man efficient will be one of the first objects of our attention. We also regret the defects that exist in our revenue laws, and as far as is expedient will endeavour to remedy those defects We believe sir that your communication on those points is the result of a judicious deliberation and it is our intention to treat with proper regard every suggestion that your Excellency through your ardent desire to promote the publick weal has been prompted to make, and sir when through you we express the highest approbation of the constituted authorities of our country we choose a medium meriting the respect that

the representatives [*] of an independent peop[l]e intend to confer. Please to accept Sir our warmest wishes for your welfare

HOUSE OF REPRESENTATIVES February 5th 1813

In reply to which his Excellency made the following observations

It affords me great satisfaction to hear that my conduct has met with the approbation of the house of representatives of the Indiana Territory It shall always be my care to merit a continuance of the same[16]

Mr Noble from the committee to whom was referred the memorial of certain inhabitants of Franklin county presented a bill which was read the first time and on motion the said bill was read the second time On Motion of Mr Noble

Ordered that the bill for the improvement of the navigation of White water be made the order of the day for tomorrow

[16] The Legislative Council replied to the Governor as follows: "In answer to your communication to both Houses of the Legislature, the legislative council sympathises with you on the unhappy state of war which the United States have been forced into, in defence of our national and individual rights and particularly the savage warfare, which the Territory has been forced into from irratable causes for some years past.

"The ruin and misery which individual families suffer on our frontier, indeed even in the interior of our infant settlement, and some times, that too, by those persons whom our Government have called into service for the protection of our frontier.

"The ruin inflicted by our means of protection, we are convinced arises from the want of individual morality and particularly from the want of a salutary discipline among the Troops. To avoid the same evils taking place on the part of the Militia of the territory, to render them as efficient as possible, at the same time to have a due regard to the rights of the militia men, we agreeable to your advice, shall attempt to make such salutary amendments of our Militia Law, as to produce the desired effect, for we are fully convinced, that in a state of War the energies of the Government ought to be applyed with a strong and a steady hand. The other subjects to which you have recommended our consideration, shall be duly attended to. Please to accept the good wishes of the Legislative Council for your individual Welfare, hoping that by your continued and increased exertions for the protection of our Country, the industry setler on our frontier may in some measure pass the light of day and the gloom of night, without the continued terrors of savage cruelty." Esarey (ed.), *Messages and Letters*, 2:351.

On Motion of Mr Dill Ordered that this house adjourn till tomorrow morning at ten O clock and the house adjourned accordingly[*]

February 6th 1813

The house met pursuant to adjournment

The Speaker laid before the house a communication from the auditor of publick accounts on the subject of Territorial taxes. Likewise a report of the Treasurer containing a statement of the Treasury accounts On Motion referred to the committee to whom was referred the report of the auditor

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the legislative council have passed a bill entitled a bill to revive and amend an act entitled an act incorporating the Vincennes Library Company and require the concurrence of the house of representatives thereto

On Motion of Mr Noble Resolved by the house of representatives that the auditor of publick accounts of the Indiana Territory be and he is hereby requested to forward to the speaker of this house a report of the amount of arrearages of taxes due said Territory previous to the year 1812 and that Mark Barnet door keeper deliver to said auditor a copy of this resolution attested by the clerk of this house[17]

On Motion of Mr Noble The house resolved itself into a committee of the whole on the bill for the improvement of the navigation of White Water and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered the bill referred to them had made some[*] amendments thereto and requested the concurrence of the house therein—On motion ordered that the said bill be engrossed for a third reading on monday next

On Motion of Mr Pennington Ordered that the bill for incorporating the Vincennes Library company sent down by the legislative council be read the first time and on motion the said bill was read the second time

On Motion the bill for the relief of those who leased school

17 See *post*, 514-15, for report.

sections read yesterday was read a second time and on Motion Ordered that the said bill be committed to a committee of the whole and made the order of the day for tuesday next

On Motion the bill for the relief of Elisabeth Green read yesterday was read a second time Ordered to be committed to a committee of the whole and made the order of the day for Wednesday next

On Motion of Mr McFarland Ordered that during the present session no bill or bills shall be originated the prayer of which is the separation of man and wife

On Motion the bill for the relief of Daniel Daverson read yesterday was read the second time. Ordered that the said bill be committed to a committee of the whole and made the order of the day for wednesday next

On motion of Mr Evans ordered that the house adjourn till ten O clock on Monday next and the house adjourned accordingly[*]

February 8th 1813

The house met pursuant to adjournment

The Speaker laid before the house a letter to General W. Johnston containing proposals for printing the laws of the Territory for the present session. Likewise a letter to the Speaker on the same subject. On Motion ordered to lie on the table

Mr Pennington laid before the house sundry petitions of the inhabitants of Harrison praying that a new county may be formed from the counties of Harrison and Clark and on motion referred to a select committee and that Messrs Dill and Pennington be that committee

On Motion of Mr Noble An engrossed bill for the improvement of White water was read a third time and passed and on motion ordered that the title of the said bill be "An act for the improvement of the navigation of White water

On Motion of Mr Dill Resolved that the circumstances of the Territory require that the publick records be removed to a place of greater safety than they are at present placed in and Ordered that a select committee be appointed to prepare and bring in a bill for the removal of the temporary seat of Government of

the Indiana Territory and Messrs Dill Pennington and Evans were appointed that committee

Mr Brown laid before the house the communication of G Hunt stating the situation of the frontiers of Wayne county &c.[18][*] and On Motion Ordered that that part of said communication which refers to military affairs be referred to the committee to whom was referred the revision of the Militia law.

Mr Noble from the committee appointed to draft a memorial to congress praying a further time to be granted to purchasers for the payment of publick lands reported a memorial which on Motion was committed to a committee of the whole and made the order of this day

The house then according to order resolved itself into a committee of the whole on the said memorial and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered the memorial—made some progress therein and desired him to ask leave to sit again

On Motion of Mr Pennington Ordered that the bill entitled an act to incorporate the Vincennes Library company be read a third time

And on the question that the same do pass with the amendments it was determined in the affirmative and that the clerk do now carry the bill to the legislative council and request therein their concurrence

On Motion of Mr Noble Ordered by the house of representatives that a committee be appointed to enquire into the necessity if any of amending the act entitled an act for the prevention of Vice and immorality and the act respecting crimes and punishments with leave to report by bill or otherwise and that messrs Noble Dill and McClure be that committee[*][19]

[18] George Hunt, a native of North Carolina, settled in the present Wayne County, southwest of Richmond, in 1807, where he built the first gristmill in the county. In 1809 he was commissioned lieutenant colonel in a rifle company. He was suggested as a candidate for Congressional delegate in 1809, but retired in favor of Jennings. He was a competent surveyor and served as the first clerk of Wayne County. Young, *History of Wayne County,* 149; Dunn, *Indiana,* 393, 398; Territorial *Executive Journal,* 168. See *post,* 554, 555, 558, 565.

[19] No report of this committee is recorded in this Journal.

On Motion of Mr Noble Ordered that a committee be appointed to enquire into the necessity if any of amending the act entitled an act to license and regulate Taverns with leave to report by bill or otherwise and that Messrs Noble Brown and Robb be that committee

On Motion of Mr Noble Ordered that a committee be appointed to enquire into the necessity if any of amending the act entitled an act concerning publick roads and highways, or of introducing an act supplemental thereto and that they have leave to report by bill or otherwise and Messrs Noble McClure and Evans were appointed that committee

Mr Brown laid before the house a memorial of the court of common pleas of Wayne county for the relief of Ewel Kindell[20] On motion referred to the committee to whom was referred the auditors report

On Motion of Mr Evans Ordered that a committee be appointed to draft a memorial to Congress praying that the sales made of seminary lands in the Indiana Territory by trustees appointed under a law of the Territory be confirmed by a special act of congress and that the power of disposing of said seminary lands be vested in the Legislature of this Territory comittee Evans McFarland and Pennington[21]

A message from the legislative council by Mr Sullivan their clerk—Mr Speaker the legislative council have concurred in the act to amend the act entitled an act[*] authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases with an amendment to which they desire the concurrence of this house—also have concurred in the amendments made by this house to the bill entitled an act to revive and amend an act entitled an act to incorporate the Vincennes Library Company.

On Motion Ordered that the house disagree to the amendment proposed by the legislative council on the bill entitled an act to amend the act entitled an act authorising the courts of

[20] See report on this petition, *post*, 558.

[21] The resolution drafted by the committee was passed by both houses and forwarded to Congress where it was read in the House on May 31. It is printed in Ewbank and Riker (eds.), *Laws, 1809-16*, pp. 792-93.

common pleas to issue writs of habeas corpus &c. and that the clerk of this house inform the legislative council thereof

On Motion of Mr Evans Ordered that a committee be appointed to enquire into the expediency if any of building a bridge across Pattoco river at the place where the road crosses said river leading from Vincennes to Redbanks on the Ohio river Also from Vincennes to the Saline lick in the Illinois Territory and that they have leave to report by bill or otherwise[22]

And then the house adjourned till tomorrow morning at ten O clock [*]

February 9th 1813

The house met pursuant to adjournment

The Speaker laid before the house a communication from his Excellency the governor containing a letter from Major William Prince respecting the fate of the left wing of the Northwestern Army as follows

GENTLEMEN OF THE LEGISLATURE

However painful and much to be lamented the transaction I conceive it a duty I owe you to communicate thus promptly a letter informing me of the loss of a detachment of our North Western Army

To Secure peace Gentlemen we should at all times be prepared for war And altho our Territory is but thinly populated Yet what men we have able to bear arms are at my command and entertaining no doubt that upon your recommendation as their immediate representatives they will turn out with alacrity to serve their county Wherefore I request that you you advise immediately what number of our Militia should be ordered into service and where they should be placed the better to protect our extensive and exposed frontier

VINCENNES February 9th 1813

JN GIBSON

[22] No further record of action on these proposed bridges appears in the Journal. A law was passed at the following session for the benefit of Edmond Hogan and Thomas Neely who were contemplating building a bridge over the Patoka where the Saline Road crossed the river. See *post,* 602, 612, 615, 621, 632, and Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 434-35.

VINCENNES 8th February 1813

SIR It falls to my lot to communicate to your Excellency the melancholy news of the total defeat of[*] Brigadier General Winchester and a detachment of the Northwestern Army on the morning of the 22nd Ulto at river Raison by a party of British and Indians[23] But few of the detachment who were one thousand strong made their escape perhaps forty in number Troops were suffered from the humanity of their General to quarter in waste houses and barns amongst the inhabitants of the river Raison and had no information of an attack untill the tomahawks of the enemy were raised against them their dispersed situation would not admit of a formidable defence and they of course fell a prey to the ferocious Savage The General and all the Officers with the exception of one Major and one Captain are among the slain

This information was given me by Col. Wells of the 17th United States Regt a few days since on his way from Genl Harrison to Governor Shelby with dispatches The Col. left that place but a short time previous to the melancholy catastrophe taking place

I have the honor to be sir with sentiments of high respect and esteem your Obt St

WM PRINCE

HIS EXCLY GENL GIBSON[*]

On Motion of Mr Noble Ordered that a committee of three be appointed on the part of this house to act jointly with such committee as may be appointed on the part of the legislative council to prepare and forward to the governor an answer to the communication this day made by him to this house requesting what number of Militia should be ordered into service and where they should be placed and that the clerk of this house inform the legislative council of the same and that Messrs Noble Dill and McFarland be that committee

On Motion of Mr Robb Ordered that a select committee be appointed to draft a memorial to congress recommending the com-

23 Harrison's report of the disaster at the River Raisin to the Secretary of War, January 24, 1813, is given in Esarey (ed.), *Messages and Letters,* 2:331-34.

mand of any local Troops which may be organised for the protection of our extensive frontiers to be placed under persons residing in the Territory whose knowledge of the country will enable them to select and occupy the most eligible positions and whose interest in the country will excite them to make use of the utmost exertion to defend the same and Messrs Robb and Brown were appointed that committee

On Motion of Mr McFarland Ordered that all further business of this house be postponed untill the committee report on the governors communication of this day[*]

On Motion the house adjourned till three O clock this afternoon

Three O clock P.M. the house met pursuant to adjournment

A message from the legislative council by Mr Sullivan their clerk Mr. Speaker the legislative council insist on their amendments to the bill from this house entitled an act to amend an act authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases

The legislative council have appointed Mr Wilson and Mr Harberson a committee on their part jointly with the committee appointed on the part of this house to answer the governors communication received this day and that they report thereon

Mr Dill from the committee to whom was referred the governors communication this day reported that the committee had considered the same and submitted to him written opinions agreeably to his request[24]

[24] The following is the communication to the Governor by the joint committee: "The Legislature have taken into consideration the written communication made to them this morning, on the alarming and defenceless situation of our Frontiers, together with enclosures from Major Prince and think with you, that to secure peace we ought to be prepared for War. They therefore beg leave to suggest the adoption of the following plan immediately, as in their opinion best calculated to render security to our defenceless Frontiers, taking into view the paucity of our numbers to wit from the County of Wayne two Companies, from the County of Franklin two Companies, from the County of Dearborn two Companies, from the County of Jefferson two Companies, from the County of Clark two Companies, from the County of Harrison two Companies, and from the County of Knox four Companies. All of which Companies to be full and complete and to be drafted and organized agreeable to

Mr Evans laid before the house a petition for the relief of James Johnson On Motion Ordered to be referred to the committee to whom was referred the auditors and Treasurers reports

On Motion of Mr Noble Ordered that this house insist on their disagreement to the amendment proposed by the legislative council to the bill to amend the act authorising the courts of[*] common pleas to issue writs of habeas corpus and certiorari in certain cases and that a committee of conferrence be appointed on the part of this house to act in conjunction with the committee appointed on the part of the legislative council and Mr Noble was appointed that committee

On Motion of Mr Dill Ordered that the committee of the whole be discharged from the consideration of the memorial to congress on the subject of publick lands and the said memorial be recommitted to the former select committee appointed to draft the said memorial

A message from the legislative council by Mr Sullivan clerk

Mr Speaker The legislative council have concurred in ap-

the provisions of our Militia Law. With this force a chain of small Forts or Garrisons could be erected, having a constant communication with each other, throughout the territory, and in our opinion secure the inhabitants from all small parties of Marauders, who may be likely to infest the frontier. We would also beg leave to suggest that until the Forts are completed, the force of each County should be under the controle of its immediate commanding officer and that when those are completed as the command will justify the organization of proper Field Officers, such should be selected, under the command of whom if active and intelligent, such arrangements can be made as are above suggested, with regard to ranging or patroling. The Orders given to those Field Officers ought to be particularly rigid and strict, obliging him or them to visit frequently the whole chain of Forts, and pay particular attention that the subordinate officers and men were punctual in performance of their duty. Those arrangements will necessarily suggest the propriety of instructing the Contractor to be prepared to furnish the proper Provisions at the different Posts and also that provision be made for some mode of supplying the necessary equipment, arms and Ammunition.

"It may not be improper here to observe that should the plan above suggested be carried into execution it will be well to instruct the Commandants of the different Counties, that in the erection of their Forts, they should have due regard not only to the safety of their own Counties, but the facility of communication which is to be kept up with the adjoining Counties." Esarey (ed.), *Messages and Letters,* 2:354-55.

pointing a committee of conferrence on the amendments made by the legislative council to the bill entitled an act to amend an act authorising the courts of common pleas to issue writs of habeas corpus &c. in certain cases and have appointed Mr Johnson on their part

Mr Dill laid before the house the petition of a number of inhabitants of Dearborne county on the subject of wolf scalps and on motion ordered that the petition be referred to a select committee with leave to report thereon by bill or otherwise and Messrs Dill and Brown were appointed that committee—Mr Robb presented a petition from sundry inhabitants of Knox county referred to the committee to whom was refered the auditors and treasurers reports—On Motion The hous adjourned till tomorrow morning at ten O clock[*]

February 10th 1813

The house met pursuant to adjournment

Mr Noble from the committee of conference on the bill entitled an act to authorise the courts of common pleas to issue writs of habeas corpus &c reported that the committee had considered the bill referred to them and agreed that both houses adhere to their amendments the house concurred in the said report

The Speaker laid before the house a communication from Wm Prince respecting the sums due from the several collectors in the Territory which which was ordered to lie on the table

AUDITORS OFFICE
February 9th 1813

HONBLE JAMES SCOTT Speaker of the house of representatives of the Indiana Territory

SIR In conformity to a resolution of your Honorable Body I have the honor to inform you that there appears to be due to the Territory from the different collectors the sum of five thousand two hundred and seventy Dollars prior to the year one thousand eight hundred and twelve in which sum is included our claim against the county of Randolph In the discharge Sir of the duties of my office I find some difficulties presents themselves which require the interposition of your Legislature and which have not

been noticed in the reports made you at this[*] Session. On to-morrow I will do myself the honor to submit them to the consideration of your Honorable body

I have the honor to be Sirs with respect Your Hum Servt

WM PRINCE aud[ito]r

The Honble the Speaker house of Reprs Ina Tery

On Motion of Mr Pennington The house according to order resolved itself into a committee of the whole on the bill for the relief of those who leased school sections and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had said bill under consideration had made some progress therein and directed him to ask leave to sit again

A message from the legislative council by Mr Sullivan clerk

Mr Speaker the legislative council have passed a bill for the relief of the heirs of Henry Vanderburgh deceased and request the concurrence of this house therein

A message from the legislative council by Mr Sullivan their clerk—Mr Speaker The legislative council have passed a bill entitled an act for the improvement of the navigation of White water with an amendment and desire the concurrence of this house in the same

On Motion Ordered that the house adjourn and the house adjourned accordingly[*]

February 11th 1813

On Motion of Mr Dill Ordered that the bill for the relief of Mary Cheek engrossed for a third reading be read a third time

And on the question that the same do pass It was resolved in the affirmative

On Motion Ordered that the title of the said bill be An act divorcing Mary Cheek from the marriage contract entered into with Macker Cheek her husband

On Motion of Mr Pennington Ordered that a committee be appointed to prepare and bring in a bill providing for fixing seats of justice in new counties and Messrs Pennington and McFarland appointed

The house then according to order resolved itself into a committee of the whole on the bill for the relief of those who leased school sections and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered the bill—had made some amendments thereto which he handed in at the clerks table and required the concurrence of this house thereto and on motion the said amendments were concurred in

Ordered that the said bill be engrossed for a third reading[*]

Mr McFarland moved for leave to bring in a bill repealing all laws or parts of laws making it necessary to obtain a license for vanding any article or arti[c]les the product or manufacture of the United States or the Territories thereof and leave being given the bill was presented and read the first time and on motion ordered to be read a second time tomorrow

A message from the legislative council by Mr Sullivan the[i]r clerk Mr. Speaker. The legislative council have passed a bill entitled an act to amend the act to prevent Trespassing by cutting timber and desire the concurrence of this house to the same

The Speaker then laid before the house a duplicate memorial of Willis W Goodwin late sheriff and collector of Clark county

Mr Noble from the committee to whom was referred the petition and documents of Elisabeth Reynolds praying praying a divorce from her husband presented a bill which was read the first time and Ordered to be read the second time tomorrow

Mr Noble from the committee to whom was referred the revision of the law licensing and regulating Taverns presented a bill which was read the first time and Ordered to be read a second time tomorrow

The house then according to order resolved itself into a committee of the whole on the bill to divorce Elisabeth Green from the marriage contract entered into with[*] Jona Green her husband and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill and had made no amendment thereto and on the question that the said bill be engrossed for a third reading it was determined in the negative

The house then according to order resolved itself into a committee of the whole on the bill to divorce Daniel Daniel Davison from the marriage contract with Arabella Davison his wife and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table and desired the concurrence of this house therein and on the question that the said bill be engrossed for a third reading it was determined in the negative

On Motion of Mr Robb Ordered that a select committee be appointed to inquire whether necessary or not necessary to make some provision by law to prevent malicious and unnecessary prosecutions and that they have leave to report thereon by bill or otherwise and Messrs Robb and McClure were appointed that committee

On Motion of Mr Noble Ordered that the house concur in the amendment of the legislative council to the bill for improving the[*] navigation of White water

On Motion of Mr Pennington Ordered that the bill sent down from the legislative council entitled an act for the relief of the heirs of Henry Vanderburg deceased be read the first time and on Motion Ordered to be read a second time tomorrow

A message from the legislative council by Mr Sullivan their clerk—Mr Speaker The legislative council have passed a bill entitled an act authorising the choosing of special juries in certain cases and request the concurrence of this house thereto

On Motion of Mr Pennington Ordered that the bill to amend to amend the act to prevent Trespassing by cutting timber sent from the legislative council be taken up and read the first time On motion ordered to be read the second time tomorrow

Mr Evans on application obtained leave of absence till monday next at ten O clock

On Motion Ordered that the bill sent from the legislative council authorising the choosing of special juries in certain cases be read the first time and on motion ordered to lie on the table for second reading

Mr Noble from the select committee to whom was referred the

drafting a memorial to congress requesting that further time be allowed to purchasers of publick lands reported a memorial to which he moved for the concurrence of this house and the house concurred accordingly[*] The Speaker laid before the house an additional communication from the auditor of publick accounts and on motion ordered to be taken up and read

On motion of Mr Noble Ordered that the communication of the auditor of publick accounts with the enclosed certificates of the commissioners of the county of Dearborn as it relates to James Hamilton sheriff of said county be referred to a committee of three and that the said committee call on the auditor to give all evidence in his power in addition in addition to his communication above specified and that the said committee enquire into the necessity if any of repealing the act entitled an act for the relief of James Hamilton sheriff of Dearborn county to report by bill or otherwise and Messrs Noble Dill and Robb were appointed that committee

On Motion of Mr Robb Ordered that a select committee be appointed to examine whether any and if any what amendments may be necessary to an act providing for the appointment of constables and that they have leave to report thereon by bill or otherwise and Messrs Robb and McFarland were appointed that committee

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the legislative council have concurred in the memorial to congress[*] presented by the house of representatives praying that further time be allowed to the purchasers of publick lands for the payment thereof—On Motion Ordered that the clerk furnish to this house three copies of said memorial which shall be signed by the president of the legislative council, the speaker of the house of representatives attested by the clerks of both houses to be forwarded to the seat of government—

On Motion the house adjourned till tomorrow morning

February 12th 1813

The house met pursuant to adjournment

On Motion of Mr McFarland Ordered that the bill repealing all laws or parts of laws making it necessary to obtain a license for vending articles of domestic manufacture be read a second time

and on motion refered to committee of the whole and made the order of the day for tuesday next

Mr Robb from the committee to whom was refered the order concerning malicious prose[c]utions p[r]esented a bill which was read the first time and ordered to be read the second time tomorrow

Mr McFarland asked for leave to bring in a bill to repeal the act entitled an act to amend an act entitled an act regulating the fees of several officers and persons therein named and leave being given he presented a bill which was read the first time and on motion ordered to be read the second time tomorrow[*]

On Motion of Mr Noble Ordered that a committee be appointed to enquire what alterations if any shall be made to the act entitled an act regulating the practice of the general court and court of common pleas and for other purposes and Messrs Noble Dill and Robb were appointed that committee

On Motion The bill for licensing and regulating taverns was read the second time Ordered to be committed to a committee of the whole and made the order of the day for tomorrow

On Motion Ordered that the bill to prevent trespassing by cutting timber be read a second time ordered to be refered to a committee of the whole and made the order of the day for tomorrow

Mr McFarland from the committee to whom was refered the memorial of Willis W Goodwin presented a bill which was read the first time and ordered to be read a second time tomorrow

On Motion of Mr Noble Ordered that the engrossed bill for the relief of those who leased school sections be read a third time and on the question that the same do pass it was determined in the affirmative and ordered that the title of the said bill be An Act for the relief of those who leased school sections No 16 called school sections under the act of 1808[*]

On Motion Ordered that the bill authorising the choosing special juries in certain cases be read the second time and on motion refered to committee of the whole and made the order of the day for tuesday next

On Motion The bill for the relief of Elisabeth Reynolds was read a second time ordered to be refered to a committee of the whole and made the order of this day

The house then resolved itself into a committee of the whole on the bill to dissolve the marriage contract existing between Elisabeth Reynolds and John Reynolds her husband and after some time spent therein Mr Speaker resumed the chair and Mr Dill reported that the committee had considered the bill had made no amendment thereto and desired him to report the same

On Motion that the said bill be engrossed for a third reading tomorrow, it was determined in the negative

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the legislative council have negatived the bill sent from this house entitled an act to dissolve the marriage contract heretofore entered into with Macker Cheek her husband

M[r] Dill gave notice that he would on Monday next call for a reconsideration of the bill for the relief of Elisabeth Reynolds

On motion of Mr Pennington Whereas the hostile disposition of the Indians and the danger to which the Village of Vincennes is thereby subjected[*] and for the preservation of the publick acts and records of the Territory in this our perilous situation makes it necessary that the seat of the government of the Territory should be removed to a place where the Archives of State and the claims of individuals should not be endangered

Therefore resolved by the legislative council and and house of Representatives that it is expedient that the seat of Government for the Territory of Indiana be removed from Vincennes to some convenient place in said Territory And then the house adjourned till tomorrow morning at ten O clock

Febry 13th 1813

The house met pursuant to adjournment

On Motion of Mr Dill The house resolved itself into a committee of the whole on the state of the Territory and after some time spent therein Mr Speaker resumed the chair and Mr McClure reported that the committee had considered the state of the Territory had made some progress therein and desired him to ask leave to sit again

A message from the legislative council by Mr Sullivan their clerk Mr Speaker It is the opinion of the legislative council that it is not consistent with parliamentary proceedings or that freedom

and independent character and open conduct which the representatives of a free people ought to maintain for any house to sound the intentions of the other by a resolution on the subject[*] of any bill which is designed to be brought before either house they therefore have disagreed to the resolution from this house for the removal of the seat of Government

Mr Noble asked leave to bring in a bill providing a mean to help and speed poor persons in their suits—leave being given and Mr Noble appointed that committee he presented a bill providing a mean to help and speed poor persons in their suits which was read the first time and on motion ordered to be read the second time

Mr Robb from the committee to whom was refered the necessity if any of making further provision for the appointment of constables presented a bill which was read the first time and on motion ordered to be read the second time

On Motion the bill to prevent malicious prosecutions was read the second time and on motion Ordered to be refered to a committee of the whole and made the order of the day for tuesday next

The house then according to order resolved itself into a committee of the whole on the bill to amend an act licensing and regulating Taverns and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had according to order considered the bill had made some amendments thereto and desired the concurrence of the house to the same and on motion ordered to be engrossed for a third reading on monday next[*]

A message from the legislative council by Mr Sullivan their clerk Mr Speaker The legislative council request of this house a copy or the original report of the auditor and treasurer for their inspection

Mr Noble from the committee of enrolled bills reported that the committee had examined a bill entitled an act to incorporate the Vincennes Library company and had found said bill duly enrolled when

The Speaker signed said bill

Ordered that the clerk do acqu[a]int the legislative council therewith

February 15th 1813

The house met pursuant to adjournment

Mr Noble from the committee to whom was refered the report of the Auditor and treasurer reported as follows—Viz—Your committee that was appointed to examine into the report and communication made to the house of representatives by the auditor of publick accounts and also the communication of the Territorial Treasurer according to order had the same under consideration and after mature deliberation and examination of the vouchers accompanying said reports and communications together with the existing laws remark as follows The document marked A as furnished by the Auditor[*] containing a list of warrants issued by him from the 1st of December 1811 to the first of January 1813 inclusive amounts to $4044.85½ Those were issued under the authority and in pursuance to the act entitled an act authorising the auditor of publick accounts to audit interest in certain cases and the act entitled an act providing for the auditing of claims against the Indiana Territory and for other purposes passed 1811 by the Legislature of Indiana. The persons named in the document last refered in whose favour the warrants were issued in as much as the last recited act is defective in not requiring the auditor in issuing the warrant to insert for what services was rendered by the person in whose favour the warrant issued the correctness of the warrants are not easily ascertained Another difficulty presents itself owing to the impropriety of the first recited acts in compeling the auditor to audit anew all out standing warrants in the same manner as is required in the last recited act because those old claims against the Territory or outstanding warrants originated several years ago under the different laws which allowed them for certain services. And upon all the reauditing losing sight of those services in not expressing them in the warrants makes it again uncertain as to their correctness The only alternative left your committee is by examining the names of the persons contained in the document A in whose favour the warrants issued and the amount in toto[*] and then examining the laws passed previous to 1811 and during that Year creating those claims. Your committee have examined and as far as they have been able to dis-

cover that the warrants issued by the auditor have been issued correctly and justly under the laws reserving to themselves the difficulties they laboured under as before detailed. The document B contains the amount of taxes assessed on the several counties in the Indiana Territory for the year 1812 in order to increase the publick revenue. The amount on each county Viz

Wayne	$621..31¾
Franklin	420..10¾
Dearborn	405..72½
Jefferson	404..51
Clark	1169..66½
Harrison	742..27¼
Knox	1988..49
	* .....
Making in the whole.....	$5752..08¾

Your committee further observes that the communication of the auditor in conformity to a resolution of this house there appears due to the Territory previous to the year 1812 $5270..00 including the tax due from Randolph county Illinois Territory and that from the document marked C the abstract of the Treasurers report to the auditor from the 19th Decr 1811 to the 18th of Decr 1812 inclusive the treasurer has paid $2463..52 and that he has received $57..00[*] which has been paid and received out of the arrearages of taxes for the years previous to the year 1812 and that from a communication made by the auditor out of the $5752..08¾ the taxes due for 1812 There has only as yet been paid by the Sheriff of Knox County $1581..83 including his commission

and by the Sheriff of Wayne	$378..71
amounting to	$1960..54
Leaving a balance out of.....	$5752..08¾
of	$3798..54¾

And from the Treasurers report there only remains a balance of $2..47 in the treasury on all monies paid and received since the sitting of the last Legislature

Your committee is enabled to say that the remaining balance of the taxes due the Territory for the Year 1812 and previous

will be sufficient to pay off all demands against the Territory and that two thirds of the tax that was laid on the lands for the last year will be sufficient to meet and defray the demands against the Territory for the present year. Your committee will further observe that when they view the situation of the Territory the scarcity of money and four fifths of the people depending entirely on their industry in order to make payment to the United States for their lands the representatives of the people ought to guard against oppression and high taxes Your committee will also observe that the difficulty which the Territory is involved in and the cause of having failed to meet the demands against her arises for want of rigid laws[*] to compel the collectors of the revenue to perform and discharge their duties together with high salaries to officers and that of absorbing the funds in interest. Your committee therefore recommends that a complete system be adopted in the mode of assessing and collecting and that rigid laws be passed and have immediate operation on all persons concerned in handling the publick funds Your committee submits here with the following resolutions

Resolved by the house of representatives that a committee be appointed to make alterations if necessary in the act entitled an act authorising the auditor of publick accounts to audit interest in certain cases and in the act entitled an act providing for the auditing of claims against the Indiana Territory and for other purposes and that the committee have leave to report by bill or otherwise

Resolved that a committee be appointed to enquire and make alterations if necessary in the act entitled an act fixing the Salaries of certain officers and that the committee report by bill or otherwise

Resolved that a committee be appointed to repeal or amend if practical all laws now in force in the Indiana Territory as relate to the mode of assessing or collecting or in any wise concerns the revenue and that they report by bill or otherwise and Messrs Noble McFarland and Robb were appointed the committee for the purposes expressed in the above resolutions[*]

On Motion The engrossed bill to amend an act entitled an act to license and regulate Taverns was read the third time and on motion that the same do pass it was determined in the affirmative

And on motion Ordered that the title of said bill be "An act to amend the act entitled an act to license and regulate Taverns and that the clerk of this house do inform the L. C. thereof

On Motion of Mr McFarland Resolved that the house of representatives return their thanks to the L. C. for their instructions in parliamentary proceedings and for their judicious manner of expressing the same and that the clerk of this house inform the L. C. thereof—Mr McFarland offered the following resolution—Resolved that the town of Madison unite natural advantages in a preeminent degree to any other place in our country accompanied by centrality of situation as it regards the present population and that it holds a claim a legal claim upon the support of this Legislature for in equity the assemblage of the general assembly of the Indiana Territory would have been there at the commencement of the present session Therefore resolved that a committee of two be appointed to report a bill for fixing the temporary seat of government therein and on the question that the said resolution do pass it was determined in the negative Ayes 2 Noes 4 Those who voted in the affirmative are McFarland Noble[*] Those who voted in the negative are Brown Dill Pennington Scott speaker

On Motion of Mr McFarland Resolved that whereas variant opinions exist as to the propriety of recommending in a legislative capacity individuals to the general government for appointments

Therefore resolved that no recommendation by the members of this body in their official capacity be adopted or introduced unless by constituent instruction such powers not being delegated to the representatives of this Territory by their constituents nor any law or usage entitled to our respect from which the exercise of a power so fatal in its tendencies can be infered

In important appointments there is too much interest excited in the publick mind for the interference of any body of men unless vested by special commission for them to take part in political strife and give an official weight so as to cause the scale to preponderate in favour of any particular party

If Legislatures generally were to recommend they would influence all appointments in the nation whether elective or otherwise and in fact become dictators general and even elections become only

a cover to carry into effect the purposes of the designing and the nation the states and the Territories fall under legislative aristocracies of all governments the most dreadful[*]

Resolved farther that all recommendations wherein it is stated that the persons recommending are members of the legislature although said to be done in private capacity are in the opinion of this body an indiscretion. The above resolutions ordered to lie on the table—

On motion ordered that the bill to help and speed poor persons in their suits be read the second time. And On motion refered to a committee of the whole and made the order of the day for to-morrow—

On motion The bill to repeal an act entitled an act to amend an act entitled an act regulating the fees of the several officers and persons therein named was read the second time and refered to a committee of the whole and made the order of the day for to-morrow.—

A bill for the relief of Willis W. Goodwin late sheriff of Clark county was read the second time and On motion refered to a committee of the whole and made the order of the day for Wednesday next—

On motion A bill regulating the appointment of constables was read the second time refered to a committee of the whole and made the order of the day for Wednesday next—[*]

The house then resolved itself into a committee of the whole on the bill to amend an act entitled an act to prevent trespassing by cutting timber and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some progress therein and desired him to ask leave to set again

Mr Dill from the committee to whom was refered the bringing in a bill for the removal of the seat [of] government reported a bill for the removal of the seat of government to Lawrenceburg which was read the first time and on motion Ordered to be read the second time tomorrow

The Speaker then laid before the [house the] petition of John Goffney concerning the trustees of Jeffersonville and on motion

refered to a select committee with leave to report by bill or otherwise And Messrs Noble and McFarland were appointed that committee

On Motion the house proceeded to reconsider the bill for the relief of Elisabeth Reynolds and on motion that the bill be engrossed for a third reading tomorrow the ayes and noes being called for It was determined in the negative ayes 4 noes 4 Those who voted in the affirmative Messrs Dill McFarland Pennington Scott speaker Those who voted in the negative are Messrs Brown Evans McClure Noble[*]

The speaker determined the motion lost deciding that having once voted he had not the right of a casting vote on a division

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the L. C. have drafted a memorial to the president of the United States praying that no man may be appointed Governor of the Indiana Territory who is in principle or practice in favour of slavery and request the concurrence of this house thereto[25]

Mr McFarland laid before the house the following propositions Viz The member of the house of representatives in behalf of the town of Madison offer ten thousand dollars provided the temporary seat of Government be removed to that place The money to be secured before the 1st day of December 1813 $10..000

Wm McFarland

Mr McFarland called for the consideration of his resolutions Ordered this morning to lie on the table and on the question that the same do pass The ayes and noes being called for—It was carried in the affirmative ayes 5 noes 4 Those who voted in the affirmative are Messrs Evans McFarland Noble Pennington Scott speaker[*] Those who voted in the negative are Brown Dill McClure Robb

Mr Dill offered propositions in behalf of the people of Lawrenceburg respecting the removal of the seat of Government which he instructed to accompany the bill he introduced on that subject

25 This memorial as finally passed by both houses is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 795-96.

A message from the legislative council by Mr Sullivan their clerk—Mr Speaker the L. C. have passed the bill to amend the act entitled an act to license and regulate Taverns with some amendments to which they desire the concurrence of this house

Mr Evans presented the memorial of John Soverns praying a remuneration for services rendered as ferryman in conveying troops across Pattoco river On Motion refered to a select committee to report thereon by bill or otherwise and Messrs Evans and McClure were appointed that committee[26]

On motion of Mr Noble The house concurred in the amendments of the L. C. to the act to amend an act entitled an act to regulate and license taverns

On Motion the house adjourned till tomorrow morning at ten O clock[*]

February 16th 1813

The house met pursuant to adjournment

A message from the L. C. by Mr Sullivan their clerk

Mr Speaker the L. C. have rejected the bill for the relief of those who leased school sections called school sections under the act 1808

On Motion Ordered that the bill for the relief of the several Sheriffs and collectors be refered to a committee of the whole and made the order of this day

Mr Noble moved for leave to bring in a bill directing the mode of changing the venue and Mr Noble being appointed that committee he reported a bill which was read the first time and on motion ordered to be read the second time tomorrow

On Motion Ordered that a committee of conference be appointed to act jointly with a similar committee on the part of the L. C. to take into consideration the bill for the relief of those who leased school sections and Mr Pennington was appointed that committee

[26] On July 11, 1807, Ebenezer "Sovereign" was granted a license to operate a ferry across the Patoka at the place where he lived. Territorial *Executive Journal,* 141. See report on this memorial, *post,* 531. The name was variously spelled—Sovereign, Soverns, Severns. The latter way appears most frequently in Gibson County histories.

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill for the improvement of the navigation of White water and also the triplicate memorial to the senate and house of representatives of the United States praying that a further time be allowed for the payment of the publick lands and find them duly enrolled whereupon the Speaker signed the same and the clerk informed the L. C. thereof[*]

Mr Pennington laid before the house the petitions of sundry inhabitants of Clark and Harrison counties praying for a separate county and on motion refered to the committee to whom was refered the former petitions from Harrison county

On Motion Ordered that the memorial to the president sent down from the L. C. praying that no man may be appointed Governor of the Indiana Territory whose principles and practice favor slavery be read the first time and Ordered to be read the second time tomorrow

On Motion of Mr Pennington Ordered that a select committee be appointed to enquire if any and what alterations are necessary in the acts concerning water crafts going adrift and stray animals and that they have leave to report by bill or otherwise and that Messrs Pennington and Robb be that committee

Mr Robb from the committee to whom was refered the revision of the acts establishing courts for the trial of small causes reported a bill which was read the first time and ordered to be read the second time

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the president of the L. C. has signed the act for the improvement of the navigation of White water likewise the triplicate memorial to the house of representatives of the United States and directed that this house be informed thereof[*]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. have appointed Mr Manwaring a committee of conference on their part to act with a committee on the part of this house on the disagreement of the L. C. to the bill entitled an act for the relief of those who leased school sections No 16 called school sections under the act of 1808

Mr Evans from the committee to whom was refered the draft-

ing a memorial to congress on the subject of seminary lands presented a memorial which was read and on motion concurred in with some amendments and ordered that the clerk inform the Legislative Council thereof

On motion the bill for the relief of the heirs of Henry Vanderburg deceased was read the second time and on Motion refered to a committee of the whole and made the order of the day for tomorrow

The house then according to order resolved itself into a committee of the whole on the bill for repealing all laws or parts of laws making it necessary to obtain license for vending any article or articles the product of the United States or the Territories thereof and after some time spent therein Mr Speaker resumed the chair and Mr McClure reported that the committee had considered the bill had made some amendments therein and desired him to report the same and request the concurrence of the house thereto and on Motion the house concurred in said report and on motion Ordered that the bill be engrossed for a third[*] reading now

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the legislative council have passed a bill to amend an act to revive the act incorporating the Roman Catholic church and request the concurrence of this house to the same

The engrossed bill repealing all laws making it necessary to obtain a license for vending any article or articles of domestic manufacture was read the third time and passed and ordered that the clerk inform the L. C. thereof

A message from the legislative council by Mr Sullivan their clerk Mr Speaker the L. C. have concurred in the memorial to congress of this house praying a special act confirming the sales of seminary lands

The house then according to order resolved itself into a committee of the whole on the bill to help and speed poor persons in their suits and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered the bill had made some amendments thereto and requested the concurrence of the house therein and on motion the house

concurred accordingly On Motion ordered that said bill [be] engrossed for a third reading on thursday next

Mr Evans from the committee to whom was refered the memorial of John Soverns reported[*] that the committee conceived the memorial not a proper subject for legislative interference inasmuch as the general government will on proper application being made remunerate all ferrymen for publick services and that it did not appear that proper application had been made by said memorialist

On Motion the house adjourned till tomorrow morning at ten O clock—

February 17th 1813

The house met pursuant to adjournment

Mr Evans laid before the house the petition of sundry inhabitants of Knox county praying a division and subdivision of the same

Mr Robb likewise laid before the house petitions from sundry inhabitants of Knox county praying a division of same refered to a select committee and Messrs Noble Evans and McClure were appointed that committee

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill entitled an act to amend an act to license and regulate taverns and find said bill duly enrolled Whereupon the Speaker signed the same and the clerk informed the L. C. thereof

On Motion the house resolved itself into a committee of the whole on the memorial to the president respecting the appointment of Governor[*] and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said memorial had made several amendments thereto to which they desired the concurrence of this house and on Motion concurred in accordingly

A message from the L. C. by Mr Sullivan their Secretary Mr Speaker The acting govenor has notified the L. C. by his private secretary Mr Johns[t]on that he did on the 15th instant approve and sign an act to revive and amend an act entitled an act to incorporate the Vincennes Library company

The L. C. have passed a bill entitled an act for the admission of equitable trials in suits at law and desire the concurrence of this house thereto

The president of the L. C. has this day signed a bill entitled an act to amend the act entitled an act to license and regulate Taverns

And then the house adjourned till tomorrow morning at ten O clock—

February 18th 1813

The house met pursuant to adjournment

A message from the Governor by Mr Johnston his private secretary. Mr Speaker I am directed to inform this house that the Governor did on the 16th instant approve and sign an act for improving the navigation of White water and on the 17th an act to license and regulate Taverns which Originated in this house

Mr Noble from the committee to whom was referred the alterations if any necessary in the act authorising the auditor of publick accounts to audit interest in certain cases and also an act providing for the auditing of claims against the Indiana Territory and for other purposes reported a bill to amend said acts which was read the first time and on motion read the second time and referred to a committee of the whole and made the order of the day for tomorrow

Mr Robb laid b[e]fore the house the petition of sundry inhabitants of Knox county praying a change in the system of taxation and referred to the committee appointed to draft the revenue law

Mr Noble from the committee appointed to make alterations in an act fixing the salaries of certain officers reported a bill allowing a salary to the auditor and other officers therein named which was read the first time and on Motion read the second time referred to a committee of the whole and made the order of the day for saturday next[*]

Mr Noble brought forward a resolution soliciting the Legislature of the state of Ohio to cause to be opened and made navigable

so much of the stream of White water as lies within the limits of said state

Mr Robb presented a memorial of the officers of the Indiana Militia praying a remuneration for services rendered in courts martial referred to the committee to whom was referred the revision of the Militia law

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. have concurred in the amendments of this house to the memorial to the president of the U.S. on the subject of appointing a Governor of the Indiana Territory

Mr Dill asked leave to bring in a bill the more effectually to prohibit the immigration of negroes mulattoes and slaves and leave being given he presented a bill for that purpose which was read the first time and on motion ordered to be read the second time

Mr Speaker laid before the house the communication of the citizens of Palmyra and Bosra Townships in the county of Knox containing sundry resolutions expressive of their prayer and wish that Genl William Henry Harrison be appointed commander in chief of the N.W. Army[27]

[27] No report from the select committee to which the memorial was referred is recorded. However, on this same day, February 18, the members of the legislature who were also militia field officers met and adopted a series of resolutions stating that, despite the disastrous defeat at the River Raisin, they still entertained "the highest confidence in the military talents, experience, promptitude and patriotism of General William Henry Harrison," and that they would view his retirement from command of the Northwestern Army as a "national calamity which ought to be deprecated by every friend of his country." They also resolved that Harrison was entitled to a higher and more permanent command in the army of the United States than any that had yet been conferred upon him, and requested their delegate in Congress to use his best endeavors to procure for him an appointment of major general. Copies of these resolutions were sent to the President, to the Senate, to the territorial delegate, to Harrison, and to Gibson. The original minutes of the meeting are in the William H. English Collection, Indiana Historical Society Library. They are printed in Vincennes *Western Sun,* February 20, 1813, and in Carter (ed.), *Territorial Papers,* 8:239-40. Harrison had been appointed to the command of the Northwestern Army by a letter from the Secretary of War, September 17, 1812. Esarey (ed.), *Messages and Letters,* 2:136-37. He was appointed a brigadier general in the U. S. Army on August 22, 1812, and major general March 2, 1813. He resigned from

Mr Robb laid before the house the petition of the executors of Jacob Warrick deceased praying legislative intereference respecting a title to lands[28] on motion referred to a select committee and Messrs Robb and Noble were appointed that committee[*]

A message from the L.C. by Mr Sullivan their clerk Mr Speaker the L.C. have concurred in the resolution of this house to the Governor of the State of Ohio on the subject of the navigation of White water[29]

Mr Dill from the committee to whom was referred the revision of the militia law reported a bill which was ordered to lie on the table

On Motion the bill providing a mean to help and speed poor persons in their suits was read the third time and on the question that the same do pass it was determined in the affirmative Ayes 8 Noes 1 Those who voted in the affirmative are Messrs Brown Dill McClure McFarland Noble Pennington Robb Scott speaker

Mr Evans voted in the negative

Mr Dill from the committee to whom was referred the communication of the auditor respecting James Hamilton Sheriff of Dearborn County reported a bill supplementary to an act entitled an act for the relief of James Hamilton Sheriff of Dearborn County and for other purposes which was read the first time and on motion ordered to be read the second time

The communication of the citizens of Palmyra and Bosra townships was referred to a select committee and Messrs Noble McClure and Dill were appointed that committee

the Army, May 31, 1814. Francis B. Heitman, *Historical Register and Dictionary of the United States Army* . . . (2 vols. Washington, D. C., 1903), 505-6.

28 See *post,* 565-66, for action on this petition. Jacob Warrick, a man of considerable property, settled in 1807 in that part of Knox that later became Gibson County. He was known as a bold and sagacious Indian fighter and was commissioned a captain in the Knox County militia in 1808. He was killed at Tippecanoe commanding the infantry company he had raised. Pirtle, *The Battle of Tippecanoe,* 36; James T. Tartt & Co., *History of Gibson County, Indiana* . . . (Edwardsville, Ill., 1884), 196.

29 There is no record of the passage of the resolution by the House. It had been introduced this same day. See *ante,* 532-33.

Mr Evans laid before the house the petition of sundry inhabitants of Knox county praying that relief may be granted to Burket Hughs referred to a select committee[*] and Messrs Evans and Dill were appointed that committee

On motion the bill directing the mode of changing the venue was read the second time referred to a committee of the whole and made the order of the day for saturday next

On motion, The house according to order resolved its self into a committee of the whole on the bill for the relief of the several sheriffs and collectors and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered the said bill, had made some amendments thereto and requested the concurrence of the house therein and the house concurred accordingly and ordered that the Clerk of this house inform the legislative Council thereof—

On motion, The bill for the removal of the seat of Government to Lawrenceburg was read the second time refered to a committee of the whole and made the order of the day for monday next.

On Motion The act to revive and amend an act to incorporate the Roman Catholic church was read the first time and ordered to be read the second time

Mr Robb from the committee appointed to draft a memorial to the president praying that the troops of the Territory be commanded by officers within said Territory reported a memorial which was read the first time referred to[*] a committee of the whole and made the order of this day

The house then according to order resolved itself into a committee of the whole on said memorial and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said memorial had disagreed thereto and requested the concurrence of the house therein and the house concurred accordingly

On Motion the house then adjourned till tomorrow morning at ten O clock—

February 19th 1813

The house met pursuant to adjournment

On Motion the bill respecting the trials of small causes was

read the second time referred to a committee of the whole and made the order of the day for Wednesday next

Mr Evans from the committee to whom was referred the petitions of sundry inhabitants of the county of Knox praying a division and subdivision of the same reported a bill which was read the first time and on motion ordered to be read the second time[30]

On Motion Ordered that the bill for the relief of James Hamilton be read the second time referred to a committee of the whole and made the order of the day for tuesday next

On motion the bill to revive and amend an act to incorporate the Roman Catholic church was read the second time and referred to a committee of the whole and made the order of the day for tuesday next[*]

On Motion the bill more effectually to prohibit the introduction of negroes mulattoes and slaves into the Indiana Territory was read the second time referred to a committee of the whole and made the order of the day for monday next

On Motion the bill entitled an act for the admission of equitable trials and suits at law was read the first time and ordered to be read the second time

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have passed a bill entitled an act to amend an act authorising the successors of sheriffs to make Deeds where his predecessor had sold land on an execution and request the concurrence of this house thereto which was read the first time and on motion ordered to be read the second time

On Motion Ordered that the clerk be directed to transcribe the memorial to congress praying a special act confirming the purchases of seminary lands and that one copy thereof be sent to our delegate in congress one to the president of the Senate and one to the Speaker of the house of house of representatives

The house then according to order resolved itself into a committee of the whole on the bill to prevent malicious prosecutions and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said

30 This bill provided for the organization of Gibson and Warrick counties. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 348-50.

bill had made some alterations therein to which they requested the[*] concurrence of this house and the house concurred accordingly and on the question that said bill be engrossed for a third reading on Monday next it was determined in the affirmative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have disagreed to the amendments made by this house to the bill entitled an act for the relief of the several sheriffs and collectors of county monies desire a committee of conference on the same and have appointed Mr Johnston on their part. And on motion Mr Dill was appointed on the part of the house of representatives

Mr Evans laid before the house the petition of sundry inhabitants of Vincennes praying that an act be passed to prevent Trespassing by cutting of timber

Mr Pennington from the committee of conference on the bill respecting school sections reported that the committee adhere to the disagreement of this house

On Motion the house according to order resolved itself into a committee of the whole on the bill providing for the appointment of constables and after some time spent therein Mr Speaker resumed the chair and Mr Dill reported that the committee had considered said bill had made some amendments thereto and desired the concurrence of this house to the same and the house concurred accordingly and on motion ordered that said bill be engrossed for a third reading on monday next[*]

Mr Pennington from the committee appointed to bring in a bill for fixing the seats of justice in new counties reported a bill which was read the first time and ordered to be read the second time

The house then according to order resolved itself into a committee of the whole on the bill regulating the fees of officers and persons therein named and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some amendments thereto and desired the concurrence of the house to the same The house concurred accordingly and ordered that said bill be engrossed for a third reading on tuesday next

Mr Evans laid before the house the petition of Isaac Montgomery and Robert Anderson praying a remuneration for certain services by them rendered in surveying a road from Hazletons ferry to the U.S. Saline

Adjourned till three O clock this afternoon

Three O clock P.M. The house met pursuant to adjournment

Mr Pennington laid before the house the petition of Arabella Davison praying a divorce from Daniel Davison her husband— On Motion Ordered that the house reconsider their former vote on the petition of Daniel Davison praying a divorce from Arabella Davison his wife[31]

On motion of Mr Evans Ordered that a committee be appointed to examine the account of Hugh McGary[*] Major of the third battalion 4th regiment Indiana Militia for money by him expended in procuring expresses to carry Militia orders in emergent cases and that they have leave to report by bill or otherwise and Messrs Evans McFarland and Pennington were appointed that committee[32]

Mr Noble asked leave to bring in a bill supplementary to the act entitled an act authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases and leave being given he presented said bill which was read the first time and ordered to be read the second time

Mr Pennington laid before the house a petition of the inhabitants of Harrison county respecting the militia law referred to the committee to whom was referred the revision of the militia law

On motion the house resolved itself into a committee of the whole on the bill concerning the choosing of special juries in certain cases and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some progress therein and asked leave to sit again which was accordingly Granted

[31] *Ante,* 517. No further action on this petition is recorded. The divorce was granted at the following session.

[32] McGary, an Indian fighter from Kentucky, settled at the present site of Evansville in 1812. J. P. Elliott, *History of Evansville and Vanderburgh County* (Evansville, 1897), 23.

Mr McFarland from the committee to whom was referred the petition of Hugh McGary reported a bill for the relief of said Hugh McGary which was read the first time and ordered to be read the second time[*]

The house according to order resolved itself into a committee of the whole on the bill to amend the act providing for the auditing of claims against the Indiana Territory and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto and requested the concurrence of this house to the same and the house concurred accordingly

On Motion Ordered that said bill be engrossed for a third reading tomorrow

The house then adjourned till tomorrow morning

Feby 20th 1813

The house met pursuant to adjournment

On Motion the petition of Isaac Montgomery and Robert Anderson was referred to a select committee with leave to report by bill or otherwise and Messrs Robb and Evans were appointed that committee

Mr Brown from the committee of elections reported a bill to regulate elections in the Indiana Territory which was read the first time and ordered to be read the second time

On Motion The bill for the relief of Hugh McGary was read the second time and ordered to be referred to a committee of the whole and made the order of the day for thursday next[*]

On Motion the bill supplementary to the act entitled an act authorising the courts of common pleas to issue writs of habeas corpus and [in] certain cases was read the second time referred to a committee of the whole and made the order of the day for tuesday next

On Motion the bill for the admission of equitable trials in suits at law was read the second time referred to a committee of the whole and made the order of the day for Wednesday next

On Motion the bill authorising the sucessors of sheriffs to make Deeds to lands sold by their predecessors was read the second

time referred to a committee of the whole and made the order of the day for thursday next

On Motion The bill for the division and subdivision of Knox county was read the second time referred to a committee of the whole and made the order of the day for Friday next

The house then according to order resolved itself into a committee of the whole on the bill directing the mode of changing the Venue and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered that said bill be engrossed for a third reading on monday next[*]

The Speaker laid before the house an additional report of the Treasurer likewise the petition of Sundry inhabitants of Clark county praying an amendment in the act levying and collecting taxes on land referred to the committee to whom were referred the revision of the revenue law

The house then resolved itself into a committee of the whole on the bill allowing a salary to the auditor and other officers therein named and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered the bill had made some amendments to the same which he handed in at the clerks table where they were read and concurred in by the house—The ayes and noes being called for Those who voted in the affirmative are Messrs Dill Evans McClure McFarland Scott speaker Those who voted in the negative are Messrs Brown Noble Pennington Robb

Mr Noble gave notice that he would again call up the bill allowing a salary to the auditor and other officers therein named on monday next

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. have passed a bill to help and speed poor persons in their suits with some amendments to which they desire the concurrence of this hous, and on motion the house concurred in said amendments

On Motion The bill fixing the seats of justice in new counties

was read the second time referred to a committee of the whole and made the order of the day for wednesday next

The house then adjourned till Monday morning at ten O clock[*]

February 22nd 1813

The house met pursuant to adjournment

On Motion of Mr Dill The bill more effectually organising the Indiana Militia and rep[e]aling all former laws on that subject was read the first time and ordered to be read the second time

Mr Noble from the committee of enrolled bills reported that the committee had examined the bill providing a mean to help and speed poor persons in their suits Likewise a resolution to the Governor of the state of Ohio[33] as also a memorial to congress praying a special act confirming the sales of seminary lands and have found them duly enrolled whereupon the Speaker signed the same and the clerk informed the L. C. thereof

On motion ordered that the title of the said bill be "An Act in amendment to the act providing a mean to help and speed poor persons in their suits

Mr Evans from the committee appointed to examine the petitions of Burket Hughs reported a bill for the relief of said Burket Hughs which was read the first time and ordered to be read the second time

On Motion The engrossed bill respecting the auditing of claims on the Indiana Territory was read the third time and on the question that the same do pass it was determined in the affirmative and the clerk informed the L. C. thereof—[*]

Mr Pennington from the committee to whom was referred the petitions of Clark and Harrison counties praying for a new county reported a bill forming a new county out of the counties of Clark and Harrison which was read the first time and on motion ordered to be read the second time now referred to a committee of the whole and made the order of the day for wednesday next[34]

[33] This resolution does not appear among the laws for this session.

[34] This bill failed to pass at this session. An act dividing Harrison and Clark counties and organizing Washington County passed the following session. *Post,* 633, 635, 649.

On Motion the engrossed bill directing the mode of changing the Venue was read the third time and on the question that the same do pass it was determined in the affirmative and the clerk informed the L. C. thereof and on motion Ordered that the title of said bill be "An Act directing the mode of changing the venue"

On Motion the engrossed bill providing for the appointment of constables was read the third time Ordered that the same do pass and that the title of said bill be "An act to amend an act entitled an act fo[r] the appointment of constables" Ordered that the clerk inform the L. C. thereof and desire their concurrence thereto

On Motion The Engrossed Bill to prevent malicious and unnecessary prosecutions was read the third time and on the question that the same do pass it was determined in the negative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker, The president of the L. C. has signed an act providing a mean to help and speed poor persons in their suits Likewise a triplicate memorial to the governor[*] of the state of Ohio, As also a triplicate memorial to congress praying a Special act to be passed confirming the purchases of seminary lands

The house then according to order resolved itself into a committee of the whole on the bill more effectually to prevent the introduction of negroes mulattoes or slaves into the Indiana Territory and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house and on motion Ordered to be engrossed for a third reading tomorrow

On Motion the house agreed to reconsider the bill allowing a salary to the auditor and other officers therein named

Mr Dill from the committee of conference on the bill for the relief of the several sheriffs and collectors of county monies reported that the committee had receded from that part of the amendment by this house which went to extend a further indulgence to the heirs or legal representatives of John McCandless

sheriff of Knox county and have adhered to all other amendments made by this house to the said bill

The house then adjourned till tomorrow morning—[*]

Feby 23rd 1813

The house met pursuant to adjournment

The Speaker laid before the house other proposals on the subject of printing the laws which were ordered to lie on the table

On Motion of Mr Noble Ordered that James Hamilton Sheriff of Dearborn county and the Territorial Auditor shall have leave and are hereby solicited to appear instanter before the committee of the whole house on the bill supplementary to the act entitled an act for the relief of James Hamilton Sheriff of Dearborn county and that Mark Barnet serve said sheriff and Auditor with a copy of this resolution attested by the clerk of this house

On Motion the bill for the relief of Burket Hughs was read the second time referred to a committee of the whole and made the order of the day for Saturday next

On Motion The bill to regulate the general elections within the Indiana Territory was read the second time referred to a committee of the whole and made the order of the day for Saturday next

Mr Pennington laid before the house the petition of Henry Heth and Elisabeth Spencer[35] Likewise the petition of Graydon Branham as also the petition of Wm Cunningham praying compensations for services rendered Ordered to be refered to a select committee with leave to report by bill or otherwise and Messrs Pennington Evans and Dill were appointed that committee[*]

On Motion Ordered that in the 32nd Article of the rules of this house the whole after the word committee be stricken out

35 Widow of Spier Spencer who was killed at the Battle of Tippecanoe. Spencer had been sheriff of Harrison County. An act for the relief of his securities was passed at the preceding session of the Assembly. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 220-21. The act passed "for the relief of the several Sheriffs and Collectors of County and Territorial Monies" at this session contained a special proviso for Spencer's heirs and securities. *Ibid.,* 329-30.

The house then according to order resolved itself into a committee of the whole on the bill supplementary to the act entitled an act for the relief of James Hamilton Sheriff of Dearborn county The auditor of publick accounts and the said James Hamilton having been requested pursuant to order now appeared before the committee in their proper persons and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some progress therein and directed him to ask leave to sit again and determined in the negative

A message from the L C by Mr Sullivan their clerk Mr Speaker the L. C. has concurred in the report of the committee of conference on the amendments made by this house to the bill entitled an act for the relief of the several Sheriffs and collectors of county monies and disagreed to by the L. C. The L. C. has concurred in the bill from this house entitled an act to amend an act entit[l]ed an act providing for the appointment of constables. Also have concurred in a bill from this house entitled an act directing the mode of changing the venue with an amendment to which they desire the concurrence of this house and on motion the house concurred in said amendments and the clerk informed the L. C. thereof[*]

On Motion the bill for the relief of James Hamilton was referred to a select committee and Messrs Dill Noble and McFarland were appointed that committee

On motion The engrossed bill more effectually to prohibit the introduction of negroes mulattoes or slaves into the Indiana Territory was read the third time and on the question that the same do pass it was determined in the affirmative The ayes and noes being called for those who voted in the affirmative are Messrs Brown Dill McClure McFarland Noble Pennington Robb Scott speaker—Mr Evans voted in the negative And on motion Ordered that the title of said bill be "An Act more effectually to prohibit the introduction [of] negroes mulattoes or slaves into the Indiana Territory The house then adjourned till tomorrow morning at ten O clock

Feby 24th 1813

The house met pursuant to adjournment

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill entitled an act for the appointment of constables and find said bill duly enrolled whereupon the speaker signed the same and the clerk informed the L. C. thereof

Mr Pennington from the committee to whom was refered the resolution concerning water crafts and estray animals reported a bill on said subjects which was read the first time and on Motion ordered to be read the Second time[*]

On Motion the bill more effectually to organise the militia of Indiana Territory and repealing all former laws on that subject was read the second time referred to a committee of the whole and made the order of the day for tomorrow

On Motion the bill to repeal the act entitled an act to amend an act regulating the fees of the several officers therein named was read the third time and on the question that the same do pass it was determined in the affirmative On Motion Ordered that the tittle of said bill be "An Act to repeal the act entitled an act to amend the act entitled an act regulating the fees of the several officers and persons therein named[36]

The house then according to order resolved itself into a committee of the whole on the bill entitled an act Supplementary to the act entitled an act authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and the house concurred in the same Ordered to be engrossed for a third reading tomorrow

A message from the L. C. by Mr Sullivan their clerk The president of the L. C. has signed a bill entitled an act to amend the act entitled an act providing for the appointment of constables[*]

[36] No further action on this bill is recorded.

The house then according to order resolved itself into a committee of the whole on the bill for laying off a new county from the counties of Clarke and Harrison and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was granted

A message from the Governor by Mr Johnston his private secretary Mr Speaker the Governor did this day approve and sign an act entitled an act providing a mean to help and speed poor persons in their suits

On Motion The house resolved itself into a committee of the Whole on the bill to prevent trespassing by cutting timber and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was not granted[37]

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill entitled an act directing the mode of changing the venue and find said bill duly enrolled whereupon the speaker signed the same and the clerk informed the L. C. thereof

Mr Dill from the committee to whom was referred the bill for the relief of James Hamilton reported a bill for the above purpose which was read the first time referred to a committee of the whole and made the order of the day for tomorrow—Adjourned till tomorrow morning[*]

February 25th 1813

The house met pursuant to adjournment

The Speaker in consequence of his appointment of judge of the general court resigned his seat as speaker and member of this house[38]

[37] Another bill regarding trespassing was introduced, passed, and was finally approved after being amended. *Post,* 573, 574, 577, 580.

[38] Judge Henry Van der Burgh died on April 5, 1812. Vincennes *Western Sun,* April 25, 1812. Scott was appointed February 1, 1813. Carter (ed.), *Territorial Papers,* 8:214, note 43. Various persons were recommended for the position, including Henry Hurst, recommended by

The house then went into the election of a speaker to fill the chair in place of James Scott resigned when upon counting the votes it appeared that William McFarland had three votes James Dill three and James Noble two no one having a majority the house proceeded to a second ballot when upon counting the votes it appeared that James Dill had three votes James Noble two James Brown one and Robert M Evans one

A message from the Governor by Mr Johnston his private secretary—Mr Speaker The Governor did this day approve and sign an act entitled an act providing for the appointment of constables

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed the bill entitled an act directing the mode of changing the Venue The Speaker laid before the house the communication of Willis W. Goodwin praying relief from the Legislature referred to a select committee

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill entitled an act for the relief of the several sheriffs and[*] collectors of county and Territorial monies and had found said bill duly enrolled, when the Speaker signed the same

On Motion the house resolved itself into a committee of the whole on the bill more effectually organising the militia of Indiana Territory and repealing all former laws on that subject and after some time spent therein Mr Speaker resumed the chair and Mr McClure reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was granted

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. has passed a bill entitled an act to amend the act regulating the duties of sheriffs and for other purposes and request the concurrence of this house

A message from the Legislative council by Mr Sullivan their clerk Mr Speaker The L. C. has passed the bill from this

Benjamin Parke and others; Elijah Sparks, John Johnson, and James Scott recommended by Jonathan Jennings. *Ibid.*, 8:175-76, 177, 178, 244. James Fisk, a representative from Vermont, was appointed in July to the post, but declined to serve.

house entitled an act in amendment to the act providing for the Auditing of claims against the Indiana Territory and for other purposes by adding a fifth and sixth sections and several other amendments to which they desired the concurrence of this house

The house according to order again resolved itself into a committee of the whole on the bill for the relief of James Hamilton Sheriff of Dearborn county and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments to the same which he handed in at the clerks table where they were read and concurred in by the house and on motion of Mr Noble a second section was[*] added to the same and on motion ordered to be engrossed for a third reading tomorrow

On Motion to concur in the additional sections and amendments of the L. C. to the bill entitled an act in amendment to the act entitled an act providing for the auditing of claims against the Indiana Territory and for other purposes it was determined in the affirmative The ayes and noes being called for those who voted in the affirmative are Messrs Brown McClure Noble[39] Pennington Dill speaker Those who voted in the negative are Messrs Evans McFarland and Robb—

Mr Speaker laid before the house the propositions of Mr Stout concerning printing the laws

On Motion of Mr McFarland Ordered that a committee of Messrs Noble and Pennington be a committee on the part of this house to act jointly with such others as may be appointed by the council to take into consideration the different proposals of printers and report by bill or otherwise and that the clerk inform the L. C. thereof

The house then resolved itself into a committee of the whole on the bill for the relief of Hugh McGary and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some amendments thereto to which the house concurred and on the ques-

[39] See Mr. Noble's statement concerning his vote on this amendment. *Post,* 574-76.

tion that the same be engrossed for a third reading tomorrow it was determined in the negative[*]

On Motion of Mr Noble Ordered that a committee of three be appointed to examine the act entitled an act organising courts of Common Pleas and that they have leave to report by bill or otherwise and Messrs Noble McFarland and Evans were appointed that committee

Mr Noble laid before the house certain resolutions of the people of the county of Franklin praying an alteration in the judiciary system referred to the committee last mentioned

The house then adjourned till tomorrow morning

February 26th 1813

The house met pursuant to adjournment

Mr Noble from the committee to whom was referred the resolutions of the Brookville republican society reported on the sixth resolution a bill regulating the inspection of flour beef and pork which was read the first time and ordered to be read the second time now referred to a committee of the whole and made the order of the day for tomorrow

On Motion Ordered that the bill for regulating watercrafts going adrift and estray animals be read the second time referred to a committee of the whole and made the order of the day for monday next

The house according to order resolved itself into a committee of the whole on the bill for the division and subdivision of Knox county when Mr McClure laid before the house the petitions of sundry inhabitants of Knox county praying that a division of said county may not take place at this session which petitions were referred to the committee of the whole then considering the bill for the division and subdivision of said county[*] and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house and ordered to be engrossd for a third reading tomorrow

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. has appointed Mr Johnston a committee on their part to act with the committee of this house to contract for the printing of the laws of the present session

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. has passed the bill more effectually to prohibit the introduction of negroes mulattoes or slaves into the Indiana Territory with some additional sections to which they request the concurrence of this house and the house concurred accordingly

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. has passed the bill repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product of the U.S. or the Territories thereof with some amendments to which they request the concurrence of this house and on the question of concurrence the house disagreed thereto—On Motion a committee of conference was appointed on the above amendments and Mr McFarland was appointed that committee who immediately reported that the committee had agreed that the house of repre[se]ntatives recede from their disagreement to the amendments of the L. C. and that the clerk inform the L. C. thereof[*]

The house according to order resolved itself into a committee of the whole on the bill for fixing the seats of justice in new counties and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill had made some amendments thereto to which they requested the concurrence of the house and the house concurred accordingly Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative and the clerk informed the L. C. thereof

A message from the L. C. by Sullivan their clerk Mr Speaker the L. C. has appointed Mr Wilson on their part a committee of conference on the amendments made by the L. C. and disagreed to by this house to the bill from this house repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product of the U.S. or Territories thereof

The house according to order resolved itself into a committee of the whole on the bill to amend and revive an act to incorporate the Roman catholic Church and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made no amendment thereto and desired the concurrence of this house and on the question that the same be read the third time now it was determined in the affirmative Ordered that the same do pass and that the clerk inform the L. C. thereof[*]

On Motion Ordered that the engrossed bill supplementary to the act entitled an act authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases be read the third time Ordered that the same do pass that the title of said bill be "An Act Supplementary to the act entitled an act authorizing the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases and that the clerk inform the L. C. thereof—Adjourned till three o clock

Three O clock P.M. The house met pursuant to adjournment

On Motion The house proceeded to reconsider the bill for the division of Knox county and resolved itself into a committee of the whole on said bill and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house and Ordered to be engrossed for a third reading tomorrow

On Motion the engrossed bill for the relief of James Hamilton was read the third time Ordered that the same do pass and that the title of said bill be "An Act Supplementary to the act entitled an act for the relief of James Hamilton Sheriff of Dearborn County and the clerk informed the L. C. thereof[*]

The house resolved itself into a committee of the whole on the bill for the removal of the seat of Government to Lawrenceburgh and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house

Ordered that the said bill be engrossed for a third reading now and on the question to strike out from the first section of the bill the words "to the town of Lawrenceburgh in the county of Dearborn" and insert the words "to the town of Madison in the county of Jefferson" it was determined in the negative The Ayes and Noes being called for those who voted in the affirmative are Messrs McClure McFarland Robb Those who voted in the negative are Messrs Brown Evans Noble Pennington Dill speaker Moved to strike from the bill under consideration the words "town of Lawrenceburg in the county of Dearborn" and insert "town of Vevay county of Jefferson" Negatived. The ayes and noes being called for those who voted in the affirmative are Messrs McClure McFarland Robb Those who voted in the negative are Messrs Brown Evans Noble Pennington Dill speaker. Moved to strike out the words "to the town of Lawrenceburg county of Dearborn" and insert the words "to the town of Charlestown county of Clark" Negatived. The ayes and noes being called for those who voted in the affirmative are Messrs McClure McFarland Robb Those who voted in the negative are Messrs[*] Brown Evans Noble Pennington Dill Speaker. Moved to amend by striking out the words "the town of Lawrenceburg county of Dearborn" and insert the words "the town of Jeffersonville county of Clark" Negatived. The ayes and noes being called for those who voted in the affirmative are Messrs McClure McFarland Pennington Robb Those who voted in the negative are Messrs Brown Evans Noble Dill speaker Moved to strike out the words "town of Lawrenceburg county of Dearborn" and insert the words "town of Clarkesville county of Clark" Negatived The ayes and noes being called for Those who voted in the affirmative are Messrs McFarland and Pennington Those who voted in the negative are Messrs Brown Evans McClure Noble Pennington. Robb Dill speaker Moved that the words "town of Lawrenceburg county of Dearborn" be stricken out and insert the words "town of Corydon county of Harrison" Negatived. The ayes and noes being called for those who voted in the affirmative are Messrs McClure Noble Pennington Robb Those who voted in the negative are Brown Evans McFarland Dill speaker and on the question that the said

bill do pass it was determined in the negative. The ayes and noes being called for those who voted in the affirmative are Messrs Brown McFarland Noble Dill speaker Those who voted in the negative are Messrs Evans McClure Pennington Robb On Motion ordered that the house on monday next reconsider their vote on final passage of the bill[*][40]

Mr Noble asked leave to bring in a bill allowing a compensation to the members and officers of the Legislature for the present session and leave being given Mr Noble presented a bill for that purpose which was read the first time an[d] on motion read the second time referred to a committee of the whole and made the order of the day for monday next

Mr Robb from the committee to whom was refered the the petition of Isaac Montgomery and Robert Anderson reported a bill which was ordered to lie on the table

The house then adjourned till tomorrow morning

Feby 27th 1813

The house met pursuant to adjournment

Mr Brown laid before the house the memorial of Joseph Brown praying relief from county monies improperly charged to him and Messrs Brown and McClure were appointed a committee to report by bill or otherwise

On Motion the bill for the relief of Isaac Montgomery and Robert Anderson was read the first time

Mr Evans was appointed a committee of ways and means in stead of Mr. Dill chosen Speaker

The house according to order resolved itself into a committee of the whole on the bill more effectually Organising the militia of the Indiana Territory and repealing all former laws on that subject and after some time spent therein Mr speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred

[40] No further action on this bill is recorded. A bill to remove the seat of government to Corydon had already been introduced in the Council and reached the House on March 3.

in by the house Ordered that said bill be engrossed for a third reading this afternoon[*]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. has concurred in the report of the committee of conference on the amendments made by the L. C. to the bill from this house repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product of the U.S. or Territories there of and disagreed to by this house

The speaker then laid before the house a communication from the Governor containing a memorial or statement of G Hunt ordered to lie on the table

A message from the L.C. by Mr Sullivan their clerk Mr Speaker The L. C have passed a bill fixing seats of justice in all new counties with some amendments to which they desire the concurrence of this house

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bill entitled an act more effectually to prohibit the introduction of negroes mulattoes or slaves likewise a bill repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product or manufacture of the U.S. or the Territories thereof as also an act incorporating the Roman Catholic Church in Vincennes and find them duly enrolled whereupon the speaker signed the same and the clerk informed the L. C. thereof

Mr Noble moved for leave to bring in a bill supplementary to the act entitled an act in amendmentment to the act providing for the auditing of claims against the Indiana[*] Territory and for other purposes and leave being given Mr Noble reported a bill for that purpose which was read the first time and on Motion said bill was read the second time Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative The ayes and noes being called for those who voted in the affirmative are Messrs Brown Evans McFarland Noble Pennington Robb Those who voted in the negative are Messrs McClure and Dill Speaker Ordered that the title of said bill be "An Act supplementary to the act

entitled an act in amendment of the act providing for the auditing of claims against the Indiana Territory and for other purposes

The house resolved itself into a committee of the whole on the bill for the relief of Willis W Goodwin and after some some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto which were handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading on monday next

On Motion The bill for the relief of the heirs of Henry Vanderburg deceased was read the third time Ordered that the same do pass and that the clerk inform the L. C. thereof[*]

On Motion the communication of the Governor this morning was referred to Messrs McFarland Noble and Pennington a select committee to report by bill or otherwise

Mr Robb was appointed instead of Mr Dill on the petitions from Harrison county

Adjourned till three O clock

Three O clock P.M. The house met pursuant to adjournment

On motion the engrossed bill for the division and subdivision of Knox county was read the third time and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be "An Act for the formation of two new counties out of the county of Knox and that the clerk inform the L. C. thereof and request their concurrence to the same

Messrs Evans and Robb obtained leave of absence till monday morning at twelve o clock

On Motion The engrossed bill for more effectually organising the militia of the Indiana Territory and repealing all former laws on that subject was read the third time and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be "An Act more effectually organising the militia of Indiana Territory and repealing all former laws on that subject and that the clerk inform the L. C. thereof[41]

The house then adjourned till monday morning at ten O clock[*]

[41] No further action on this bill is recorded.

March 1st 1813

The house met pursuant to adjournment

On Motion the house according to order again resolved itself into a committee of the whole on the bill for the division of Harrison county and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading tomorrow

A message from the Governor by Mr Johnston his private secretary Mr Speaker the Governor did this day approve and sign an act repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product or manufacture of the United States or Territories thereof likewise an act directing the mode of changing the venue

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the Acting Governor did by his private secretary Mr Johnston inform the L. C. that he this day approved and signed "an act to revive and amend the act incorporating the Roman Catholic church in Vincennes

The house proceeded to reconsider their vote on the bill allowing a salary to the Auditor and other officers therein named and on motion that the house now concur in the report of the committee it was determined in the negative Ordered to be recommitted to a committee of the whole and made the order of this day

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bills viz "An Act in amendment of the act providing for the auditing of claims against the Indiana Territory and for other purposes "An Act for fixing the seats of justice in all new counties hereafter to be laid off "An Act for the relief of the heirs of Henry Vanderburg deceased and had found said bills duly enrolled Whereupon the speaker signed the same and the clerk informed the L. C. thereof

The house then according to order resolved itself again into a committee of the whole on the bill allowing a salary to the auditor and other officers therein named and after some time spent therein

Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house engrossed for a third reading tomorrow

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has this day signed an act in amendment of the act providing for the auditing of claims against the Indiana Territory and for other purposes also an act for fixing the seats of justice in all new counties hereafter to be laid off[*] and also an act for the relief of the heirs of Henry Vanderburg deceased

On Motion the communication of the judges of the court of common pleas of Wayne county was read and ordered to lie on the table

Mr Noble from the committee appointed to enquire if amendments be necessary in the act regulating the practice of the general court and courts of common pleas reported a bill regulating the practice of the general court and courts of common pleas which was read the first time and said bill was read the second time Ordered to be referred to a committee of the whole and made the order of the day for tomorrow

The house according to order resolved itself into a committee of the whole on the bill for the relief of Burket Hughs and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was granted

The house according to order resolved itself into a committee of the whole on the bill for the inspection of flour beef and pork and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house[*] Ordered to be engrossed for a third reading now and after reading On the question that the same do pass it was determined in the affirmative and the clerk informed the L. C.

thereof The ayes and noes being called for those who voted in the affirmative are Messrs Brown McFarland Noble Pennington Dill Speaker Those who voted in the negative are Messrs Evans McClure Robb Ordered that the title of said bill be "An Act regulating the inspection of flour beef and pork

Adjourned till three O clock

Three O clock P.M. The house met pursuant to adjournment

Mr Noble from the committee to whom was referred the message of the Governor inclosing the communication of Col. George Hunt reported on the subject of the militia in the county of Wayne which report the house concurred in

Mr Brown from the committee to whom was referred the memorial of Ewel Kindel reported a bill for the relief of the several listers of the Indiana Territory which was read the first time and said bill was read the second time referred to a committee of the whole and made the order of the day for tomorrow

On Motion the engrossed bill for the relief of Willis W Goodwin was read the third time Amended by by striking out the second section of said bill and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be "An Act for the relief of Willis W Goodwin late sheriff of Clark county[*][42]

Mr Brown from the committee appointed for that purpose reported a bill regulating divorces in the Indiana Territory which was read the second time referred to a committee of the whole and made the order of the day for tomorrow

Mr Noble from the committee to whom was referred the revision of the revenue law reported a bill to reduce into one the several acts establishing a permanent revenue Ordered to lie on the table—

Adjourned till tomorrow morning

March 2nd 1813

The house met pursuant to adjournment

On Motion The bill to reduce into one the several acts establishing a permanent revenue was read the first time and said bill

[42] No further action is recorded on this bill at this session.

was read the second time referred to a committee of the whole and made the order of the day for tomorrow

A message from the Governor by Mr Johnston his private secretary Mr Speaker I am directed to inform this house that the Governor did this day approve and sign an act providing for the auditing of claims against the Indiana Territory and for other purposes As also an act for fixing the seats of justice in all new counties hereafter to be laid off

The house according to order again resolved itself into a committee of the whole on the bill for the relief of Burket Hughs and after some time spent therein[*] Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative The ayes and noes being called for those who voted in the affirmative are Messrs Brown Evans McClure Noble Pennington Dill speaker Mr Robb voted in the negative Ordered that the title of said bill be "An Act for the relief of Burket Hughs and the clerk informed the L. C. thereof

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The Governor by his private secretary did this day notify the L. C. that he did this day approve and sign "an act for the relief of the several sheriffs and collectors of county and Territorial monies Also "an Act for the relief of the heirs of Henry Vanderburg Deceased

On Motion The bill regulating the duties of Sheriffs and for other purposes was read the second time referred to a committee of the whole and made the order of the day for tomorrow

On Motion The bill for the relief of Isaac Montgomery and Robert Anderson was read the second time and the house then resolved itself into a committe of the whole on said bill and after some time spent therein Mr Speaker resumed the chair and Mr Noble[*] reported that the committee had considered said bill had made no amendment thereto and desired him so to report to the house and the house concurred in the report Ordered to be

engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be an act for the relief of Isaac Montgomery and Robert Anderson and the clerk informed the L. C. thereof

The house then according to order resolved itself into a committee of the whole on the bill allowing a compensation to the members and officers of the present session of the Legislature and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was granted

The committee of the whole according to order took up the bill for the choosing of special juries in certain cases and after some time spent therein Mr Speaker resumed the chair and Mr McClure reported that the committee had considered said bill had made no amendments thereto and instructed him to report the same and ask the concurrence of the house and the house concurred accordingly and on the question that the said bill be read the third time it was determined in the negative and the clerk informed the L. C. thereof[*]

The house then according to order resolved itself into a committee of the whole on the bill regulating water crafts going adrift and estray animals and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading tomorrow

The house then according to order again resolved itself into a committee of the whole on the compensation bill and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be "An Act allowing compensation to the

members and officers of both houses of the Legislature at the present session"

The house then according to order resolved itself into a committee of the whole on the bill entitled an act to amend the act authorising the successors of Sheriffs to make deeds where his predecessor has sold land on any execution[*] and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered to be read the third time now and on the question that the same do pass it was determined in the affirmative and the clerk informed the L. C. thereof[43]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L C. have disagreed to th[e] act supplementary to the act entitled an act in amendment of the act providing for the auditing of claims against the Indiana Territory and for other purposes—adjourned till three O clock

Three O clock P.M. The house met pursuant to adjournment

The house then according to order resolved itself into a committee of the whole on the bill to amend the several acts establishing courts for the trial of small causes and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments thereto and progress therein which he handed in at the clerks table and asked leave to sit again which was not granted Mr Pennington then gave notice that he would tomorrow call for a reconsideration of said bill[*]

A message from the L. C by Mr Sullivan their clerk Mr Speaker The L. C have disagreed to the act from this house entitled an act authorising the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases[44]

On Motion The engrossed bill for the division of Harrison county was read the third time and on the question that the same

[43] No further action on this bill is recorded.

[44] This probably is the supplementary bill of the same title. *Ante,* 538, 539, 545, 551. The conference committee on the main bill had failed to come to an agreement. *Ante,* 512, 513, 514.

do pass it was determined in the affirmative Ordered that the title be "An Act forming a new county out of the counties of Clark and Harrison and that the clerk inform the L. C. thereof

Adjourned till tomorrow morning

March 3rd 1813

The house met pursuant to adjournment

The house then according to order resolved itself into a committee of the whole on the bill to reduce into one the several acts establishing a permanent revenue and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made [*] some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house where it was Moved to fill up the blank with one dollar per hundred acres for first rate land and on the question The ayes and noes being called for those who voted in the affirmative are Messrs Evans Robb and Dill Speaker Those who voted in the negative are Messrs Brown McClure McFarland Pennington and so it was determined in the negative moved to fill the blank with two dollars for every servant of colour above the age of twelve years The ayes and noes being called for Those who voted in the affirmative are Messrs Robb Dill speaker Those who voted in the negative are Messrs Brown Evans McClure McFarland Noble Pennington and so it was determined in the negative Moved to insert the words twenty five cents for every horse mare or colt over two years old except stud horses The ayes and noes being called for Those who voted in the affirmative are Messrs McClure McFarland Robb Those who voted in the negative are Messrs Brown Evans Noble Pennington Dill Speaker and so it was determined in the negative Moved to insert the words thirty seven and an half cents for every horse mare or colt stud horses excepted exceeding three years old The ayes and noes being called for those who voted in the affirmative are Messrs Brown Evans McClure McFarland Pennington Robb Those who voted in the negative are Messrs Noble Dill speaker and so it was determined in the affirmative[*]

Ordered with its amendments to be engrossed for Friday next

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have agreed to the amendments of this house on the bill regulating the duties of the several sheriffs in the Indiana Territory The L. C. have also passed the bill for the inspection of flour beef and pork with some amendments to which they request the concurrence of this house the house concured accordingly and the clerk informed the L.C. Thereof

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have passed a bill for the removal of the seat of Government to Corydon in Harrison county

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have disagreed to the bill for the relief of Burket Hughs and have concurred in the bill for the relief of Isaac Montgomery and Robert Anderson

On Motion The bill for the removal of the seat of Government to Corydon in Harrison County was read the first time and said bill was read the second time referred to a committee of the whole and made the order of the day for Friday next—Adjourned till three O clock

Three O clock P.M.—

The house met pursuant to adjournment

On Motion the engrossed bill regulating water crafts and estray animals was read the third time and on the question that the same do pass it was determined in the affirmative Ordered that the title of said bill be "An Act in amendment of the act to amend an act entitled an act to regulate the disposition of water crafts of certain descriptions found gone and going adrift and of estray animals and the clerk informed the L. C. thereof[*]

On Motion the engrossed bill allowing a salary to the auditor and other officers therein named was read the third time—moved to strike out of the sixth line first section the word three and insert in lieu thereof the word two The ayes and noes being called for those who voted in the affirmative are Messrs Noble Pennington Robb Those who voted in the negative are Brown Evans McClure McFarland Dill speaker and so it was determined in the negative And on the question that the said bill do pass it

was determined in the affirmative Ordered that the title of said bill be "An Act allowing a salary to the auditor and other officers therein named

The house then resolved itself into a committee of the whole on the bill for the relief of the several listers of property in the Indiana Territory and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made an amendment thereto which he handed in at the clerks table where it was read and concurred in by the house Ordered to be engrossed for a third reading tomorrow

The house then according to order resolved itself into a committee of the whole on the bill for the admission of equitable trials in suits at law and after some time spent therein Mr Speaker resumed the chair and Mr Noble reported that the committee had considered said[*] bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house

Mr Noble from the committee appointed to enquire if any alteration be necessary in the law organising the courts of common pleas reported as follows

Mr Speaker Your committee that was appointed to examine and make alterations if necessary in the act organising the courts of common pleas according to order have examined the act and find that the present establishment of the courts of common pleas is a system not calculated to protect the rights of the citizen Your committee refrain for the present in reporting the imperfections of the system minutely but would recommend a postponement of a change in the judiciary until the next session that an opportunity may be had of consulting the people of the Territory and in addition to that the session is far spent and on a subject of this kind the utmost deliberation should be had Some of the members of your committee are in favor of an immediate change as private individuals and some of them indeed have been instructed to aid a change but some others are not advised Your committee however submit a bill herewith for reorganising the courts of justice with a view that the principles of the change may be known to

the members of this house that they may consult their constituents against the next session and the house concurred in said report[*]

The following is the report of the committee to whom was referred the communication of Col George Hunt to the Governor which report was laid on the table the first instant

Mr Speaker Your committee according to order have examined and maturely considered the communication of Col George Hunt to the Governor which was laid before this house on the 27th of February last and remark that altho it is unfortunate for the inhabitants of Wayne that they are exposed measurably to the Indian hostilities yet it is out of the power of the Legislature to guard against it The commander in chief has already issued orders for calling out two companies of the militia in the county of Wayne which will in the opinion of your committee be sufficient to protect the frontier and as Col Hunt observes that those persons called quakers refusing to discharge the duties enjoined on them by law military authority retards him in his movements in protecting the frontier of his county is no less true than it is unfortunate for in that they are conscientiously scrupulous the law therefore must be legally executed on them Your committee will further observe that from Col Hunts communication the civil court has interfered aided by the bar in discharging some military prisoners But as the particulars are not detailed your committee can only observe that the[*] civil courts have in many instances a right to examine into the imprisonment of any person or persons whether that imprisonment originated by virtue of civil or military authority and that from the constituted authorities of our land the bar have a right to appear and defend for or against any prisoner or prisoners[45]

On Motion The bill for the relief of John Hunter and the heirs of Jacob Warrick deceased was read the first time and said

[45] The years 1813-14 were the reign of terror in Wayne County according to the staunch Quaker, Henry Hoover. After he refused to perform an eight-day tour of duty, a court martial assessed a fine of $16 against him and a sergeant drove off his sheep and sold them. Other Quakers were thrown in the unheated county jail and confined there for weeks. Knollenberg, *Sketches of the Upper Whitewater Valley*, 40-41; Young, *History of Wayne County*, 72-77.

bill was read the second time Ordered to be referred to a committee of the whole and made the order of the day for tomorrow

On Motion The house resolved itself into a committee of the whole on the bill regulating the practice of the general court and courts of common pleas and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made some amendments to the same which he handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative Ordered that the title be "An Act in amendment to the act entitled an act regulating the practice of the general court and courts of common pleas

Ordered that the bill regulating elections be postponed till next session—The house then adjourned till tomorrow morning —[*]

March 4th 1813

The house met pursuant to adjournment

On Motion for leave and leave being given Mr Brown reported a bill authorising the court of common pleas of Dearborn county to levy an additional tax for the year 1813 which was was read the first time and said bill was read the second time Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the affirmative Ordered that the title be "An Act authorising the court of common pleas of Dearborn county to lay an additional tax for the year 1813

The house then according to order resolved itself into a committee of the whole on the bill regulating divorces and after some time spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house The ayes and noes being called for on taking up this bill those who voted in the affirmative are Messrs Brown Evans McClure McFarland Noble Robb Dill speaker Mr Pennington voted in the negative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L C have passed the act supplementary to the act for the relief of James Hamilton with some amendments to which they request the concurrence of this house and the house concurred accordingly[*]

On Motion for leave and leave being given Mr Noble reported a bill in amendment to the several acts respecting roads and highways which was read the first time and said bill was read the second time Ordered to be engrossed for a third reading now Ordered that the same do pass and that the title be "An Act in amendment to the several acts concerning public roads or highways

The ayes and noes being taken on the final passage of the divorce bill Those who voted in the affirmative are Messrs Brown McClure McFarland Noble Dill speaker Those who voted in the negative are Messrs Pennington Robb and so it was determined in the affirmative

Ordered that the title be "An Act regulating divorces within The Indiana Territory

The ayes and noes being taken on the amendments of the council to the compensation bill to the members and officers of the Legislature Those who voted in the affirmative are Messrs Brown McClure Pennington Dill speaker in the negative are Messrs Evans McFarland Noble Robb so it was negatived

A message from the L C by Mr Sullivan their clerk Mr Speaker The L.C. have passed the bill allowing a compensation to the members and officers of both houses of the Legislature with some amendments to which they request the concurrence of this house[*][46]

On Motion for leave and leave being given Mr McFarland reported a bill for the removal of the seat of government to Madison Jefferson county which was ordered to lie on the table —On motion, a committee of conference was requested to act in conjunction with a similar committee on the part of the Legislative council on the subject of the compensation bill Mr McFarland was appointed that committee & Mr Johnston was ap-

[46] Apparently this paragraph and the one preceding it were reversed by the clerk in copying the Journal.

pointed by the Legislative council—Mr McFarland then immediately reported that the committee had considered the said amendments of the Legislative council and had agreed that this house recede from their disagreement and on the question that the house concur in the report of the committee it was determined in the affirmative—

The house then resolved itself into a committee of the whole on the bill to remove the seat of government from Vincennes t Corydon and after some time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered the said bill and had made no amendments thereto and requested the concurence of the house and on the question that the house concur it was determined in the negative. Ordered to be read the third time now[*] It was then moved to strike out Corydon and Harrison throughout and insert in lieu thereof the words Jeffersonville and Clark. The yeas and nays being called for those who voted in the affirmative were M[ess]rs Brown McFarland Noble Robb and Dill speaker those who voted in the negative were Messrs Evans McClure Pennington and so it was determined in the affirmative It was then moved to strike out Jeffersonville and Clark and insert in lieu thereof Madison and Jefferson. The ayes and noes being called for those who voted ir the affirmative are Mesrs Brown McFarland and Noble. Thos who voted in the negative are Mesrs Evans McClure Pennington Robb and Dill speaker—and so determined in the negative: The ayes and noes being demanded on the final question those who voted in the affirmative are Mesrs Brown Evans Noble Pennington Robb and Dill speaker. Those who voted in the negative are Mess McClure and McFarland and so it was determined in the affirmative

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bills, viz, An act regulating the inspection of flour beef and pork. An act regulating the duties of sheriffs in certain cases. An act for the relief of Isaac Montgomery and Robert Anderson and find them to be truly enrolled when the speaker signed the same and the clerk informed the Legislative Council thereof[*]

A message from the Legislative Council by Mr Sullivan their clerk—Mr Speaker, The Legislative council have passed a bill allowing a salary to the auditor and other persons therein named with some amendments to which they desire the concurence of this house Also the President of the Legislative Council has signed the bill for the inspection of flour beef and pork likewise an act for the relief of Isaac Montgomery and Robert Anderson and the house concured in the amendment to the first mentioned bill—

The engrossed bill for the relief of the several listers of personal property in the Indiana territory was read the third time—Ordered that the same do pass and that the title be an act for the relief of the several listers of personal property in the Indiana territory for the year 1812 And the Clerk informed the legislative Council thereof—

The house then according to order resolved itself into a committee of the whole on the bill for the admission of equitable trials in suits at law and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table when they were read and concured[*] in by the house—Ordered that the same be read a third time tomorrow—

A message from the Legislative council by Mr Sullivan their Clerk Mr Speaker the Legislative council have passed the bill from this house forming two new counties out of the county of Knox with some amendments to which they request the concurence of this house—which was not granted—A committee of conference was asked on said bill & Mr Pennington was appointed that committee

A message from the legislative council by Mr Sullivan their clerk—Mr Speaker The Legislative Council have passed the bill from this house regulating the practice of the general Court and courts of Common pleas with some amendments to which they request the concurence of this house—And the house concurred accordingly—

The house according to order resolved itself into a committee of the whole on the bill for the relief of John Hunter and the

heirs of Jacob Warrick deceased and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made some amendments thereto which he handed in at the[*] clerks table where they were read and concured in by the house—Ordered to be engrossed for a third reading now—and on the question that the same do pass it was determined in the affirmative—Ordered that the title be An act for the relief of John Hunter and the heirs of Jacob Warwick deceased and the Clerk informed the Legislative Council thereof—

On motion and leave given Mr Evans presented a bill supplementary to the bill forming two new counties out of the county of Knox which was read the first time and on motion the said bill was read a second time ordered to be engrossed and read a third time tomorrow—[47]

A message from the Legislative Council by Mr Sullivan their clerk Mr Speaker The Legislative council have passed the bill from this house for the relief of all listers of land in the Indiana territory—

On motion to engross the bill for the trial of small causes it was determined in the negative—Ordered to be postponed till the next session—

On motion a select committee was appointed on the remonstrance of James Johnston Territorial Treasurer & Mr Evans being that[*] committee reported a bill on that subject which was read the first time & said bill was read a second time refered to a committee of the whole and made the order of the day for tomorrow.—

Mr Noble reported that the committee of enrolled bills had examined the bill allowing a compensation to the members and officers of the legislature at the present session, also the bill for the relief of the several listers of land in the Indiana Territory and find said bills duly enrolled whereupon the speaker signed the same and the clerk informed the Legislative council thereof—

And then the house adjourned till tomorrow morning—[*]

47 The bill concerned the location of the seats of justice of the new counties of Gibson and Warrick. See Evans' comments on this bill, which failed to pass, and his explanation of his vote for the Council bill on the same subject. *Post,* 581-83.

March 5th 1813

The house met pursuant to adjournment

A message from the Governor by Mr Johnston his private secretary Mr Speaker The Govenor did this day approve and sign the following acts Viz An Act regulating the inspe[c]tion of flour beef and pork An Act for the relief of the several listers of personal property in the year 1812 An Act for the relief of Isaac Montgomery and Robert Anderson An Act allowing compensation to the members and officers of both houses of the Legislature at the present session

On Motion The bill entitled an act for correcting the duplicates of assessment of land &c was read the first time and said bill was read the second time referred to a committee of the whole and made the order of the day for monday next

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed an act for the relief of the several listers of personal property in the year 1812 also an act allowing compensation to the members and officers of both houses of the Legislature at the present session[48]

Mr Noble from the committee of enrolled bills reported that the committee had examined the enrolled bills viz an enrolled Bill for the relief of James Hamilton sheriff of Dearborn county likewise an act regulating the practice of the general court and courts of common pleas and find said bills duly enrolled[*]

On Motion the engrossed bill to reduce into one the several acts establishing a permanent revenue was read the third time. It was was then moved to strike out the words fifteen dollars and insert the following "A sum not exceeding one per centum on the amount of the capital or stock employed in such retail store. The ayes and noes being called for those who voted in the affirmative are Messrs Evans McClure Robb and Dill speaker Those who voted in the negative are Messrs Brown McFarland Noble Pennington and so it was determined in the negative moved to amend by striking out the words exclusive of improvement Those who

[48] This paragraph should precede the one at the beginning of the day's session in which the Governor's signing of these two bills is recorded.

voted in the affirmative are Messrs Brown Evans Robb and Dill Speaker Those who voted in the negative are Messrs McFarland McClure Noble Pennington Moved to erase from the 19th line 6th section the words twelve and an half and insert in lieu thereof the words twenty five Those who voted in the affirmative are Messrs Evans Robb Dill speaker in the negative Brown McClure McFarland Noble Pennington And on the question that the bill do pass it was determined in the affirmative Those who voted in the affirmative are Messrs Brown Evans McClure Noble Pennington Those who voted in the negative are Messrs McFarland Robb determined in the affirmative Ordered that the title be "An Act to reduce into one the several acts establishing a permanant revenue

A message from the L.C. by Mr Sullivan their clerk Mr Speaker The Governor by his private secretary Mr Johnston did this day notify the L. C. that he did on this day approve and sign An Act regulating the duties of Sheriffs[*] in certain cases also The President of the L. C. has signed an act supplementary to an act entitled an act for the relief of James Hamilton Sheriff of Dearborn county and for other purposes

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have disagreed to the amendments of this house to the bill entitled an act to remove the seat of Government to the town of Corydon in the county of Harrison—desire a committee of conference and have appointed Mr Wilson on their part. The L. C. have passed the bill from this house to form a new county out of the counties of Harrison and Clark with some amendments to which the[y] request the concurrence of this house. Mr Noble was appointed a committee of conference on the bill for the removal of the seat of Government

On Motion for leave and leave being given Mr Evans presented a bill for adjourning the next court of common pleas and also the general court of the Indiana Territory which was read the first time and said bill was read the second time referred to committee of the whole and made the order of the day for tomorrow[49]

[49] Other measures were introduced at this session concerning the adjournment of the General Court. *Post*, 587, 590. None of the measures

Moved and seconded that this house disagree to the amendments of the L. C. on the bill to form á new county out of the counties of Harrison and Clark and that a committee of conference be appointed and on the question carried in the affirmative[*] and Mr Pennington was appointed that committee

On Motion the engrossed bill supplementary to the act forming two new counties out of the county of Knox was read the third time and on the question that the same do pass it was determined in the affirmative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have passed an act for the relief of John Hunter and the heirs of Jacob Warrick deceased An act in amendment to the several acts concerning public roads or highways The President of the L. C. has signed the act in amendment of the act entitled an act regulating the practice of the General court and courts of common pleas The L. C. have disagreed to the bill from this house respecting watercrafts and estray animals

The house then according to order resolved itself into a committee of the whole on the bill for the relief of James Johnston Territorial Treasurer and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made no amendment thereto and desired the concurrence of of the house Ordered to be read the third time now and on the question that the same do pass it was determined in the negative

Mr Noble from the committee of enrolled bills reported that the committee found the bill entitled an act in amendment of the several acts concerning roads or highways duly enrolled[*]

Mr McFarland having obtained leave reported a bill in amendment of the act to prevent trespassing by cutting timber which was read the first time and said bill was read the second time Ordered to be engrossed for a third reading now Ordered that the same do pass and the clerk informed the L. C. thereof

received the approval of both houses. The General Court sat at Vincennes for its April 1813 term, and at Corydon for the September term under provision of the act removing the seat of government to Corydon. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 336-37; Order Book of the General Court of Indiana Territory, 1811-16, Archives Division, Indiana State Library.

Adjourned till three O clock

Three O clock P. M. The house met pursuant to adjournment

On Motion Ordered that the bill entitled an act for the admission [of] equitable trials in suits at law be postponed till next session

On Motion Ordered that the bill to remove the seat of Government to Madison be read the first time and said bill was read the second time Ordered that said bill be engrossed for a third reading tomorrow

Mr Pennington from the committee of conference on the bill forming two new counties out of the county of Knox reported that the committee had agreed that the L. C. recede from their amendments to said bill

Mr Pennington from the committee appointed to bring in a bill fixing the times of holding courts within the Indiana Territory reported a bill on that subject which was read the first time and said bill was read the second time referred to a committee of the whole and made the order of the day for tomorrow[*]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed an act in amendment to the several acts concerning public roads or highways The L. C. have passed an act in amendment of the act to prevent trespassing by cutting timber

Mr Pennington from the committee appointed to confer with a committee from the L. C. on the bill to form a new county out of the counties of Harrison and Clark reported that the committee having considered the amendments of the L. C. to said bill agreed that the L. C. adhere to their amendments and the house of representatives to their disagreement and requested the concurrence of this house and the house concurred accordingly

Mr Noble then laid before the house the following protest which on motion was ordered to be spread upon the journals

Mr Speaker I now explain my reasons for voting in favour of the amendments made by the L. C. to the bill in amendmendment to the act entitled an act providing for the auditing of claims Against the Indiana Territory and for other purposes which I wish to be spread on the journals. The bill sir when it passed this house

repealed the interest on territorial claims and inserting in the warrant for what services that warrant issued and the law reauditing warrants together together with the form that the auditor should[*] keep his books and report to the Legislature at every session I had the honor of voting with Messrs Brown Evans McFarland Pennington and Robb I voted thus because of the impropriety in the laws passed at the last session allowing interest which appeared a door for speculation on the public and made an inroad on the rights of the people by absorbing in interest the taxes which are paid by the people for the support of the Territorial Government Let the question be asked who was benefited or who can be benefited by the passage of the laws in 1811 creating interest The answer would justly follow the members of the Legislature those who represent the farmer are those who pass laws to drain the last cent from them

Mark another impropriety a sheriff who had purchased old warrants (and some have been outstanding for five years) had and now have a right to get those warrants reaudited bearing interest six per cent for five years amounts $30.00 Those warrants no doubt purchased by the sheriff with the public money for which collection they had ten per cent. Altho sir the bill passed this house curing all these evils and many more that I intend hereafter mentioning yet the L. C. amended the bill and sent it back with the same features as are contained[*] in the bills passed 1811 altho they amended the bill yet that provision before alluded to that of the form of the auditors keeping his books and inserting in the warrant for what services being necessary that any mistake made by the auditor in issuing warrants might be corrected by examining the laws which authorised him to issue warrants for the claim which under the former laws fifty warrants might be issued without authority in order to guard against issuing unauthorised warrants I was compelled to vote for the amendments I had also another view that immediately I would introduce a supplementary bill which was done repealing all interest on Territorial claims and repealing the law reauditing outstanding warrants The bill passed this house I had again the honor of voting with Messrs Brown Evans McFarland Pennington Robb So soon as the bill

entered the council it was rejected. Permit me further to observe that the people of the Territory in many instances complained of the auditor in laying the tax to the extent of the law for 1812. I ask if the charge or cause of complaint is just against the auditor I answer that if the auditor had laid the tax lower that the interest which the members of the Legislature have drawn and will draw would have measurably swallowed up the taxes in toto I am assured by those Gentlemen that they voted under similar motives

JAMES NOBLE

& then the house adjourned till tomorrow morning[*]

March 6th 1813

The house met pursuant to adjournment

On Motion The house according to order resolved itself into a committee of the whole on the bill for adjourning the next court of common pleas for the county of Knox and also the next General court and after som time spent therein Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill had made some progress therein and desired him to ask leave to sit again which was granted

Mr Noble from the committee of enrolled bills reported that the committee had examined the following bills Viz A bill for the relief of John Hunter and the heirs of Jacob Warrick deceased also a bill for the formation of two new counties out of the county of Knox and find said bills duly enrolled whereupon the Speaker signed the same and the clerk informed the L. C. thereof

On Motion the house resolved itself into a committee of the whole on the bill regulating the duties of Sheriffs and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr Evans reported that the committee had considered said bill had made no amendment thereto desired him to report the same and ask the concurrence of the house and the house concurred accordingly[*]

Ordered that said bill be read the third time and on the question that the same do pass it was determined in the negative[50]

[50] One bill regulating the duties of sheriffs had already been passed and approved by the Governor. *Ante*, 572. There is no record of a second

Mr Brown from the committee appointed to consider the memorial of Joseph Brown reported that said Brown not substantiating the allegations contained in his memorial is not entitled to Legislative aid and said report was concurred in by the house

The house then according to order resolved itself into a committee of the whole on the bill for correcting the duplicate or assessment of lands within this Territory and for other purposes and after some time spent therein Mr Speaker resumed the chair and Mr McFarland reported that the committee had considered said bill had made some amendments thereto which he handed i at the clerks table where they were read and concurred by the house Ordered that the said bill be read the third time now and on the question that the same do pass it was determined in the affirmative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed the act for the relief of John Hunter and the heirs of Jacob Warrick deceased also an act for the formation of two new counties out of the county of Knox the L. C. have passed the bill from this house supplementary to the bill for the formation of two new counties out of the county of Knox[*] with several amendments to which they request the concurrence of this house and on the question of concurrence it was determined in the negative Mr Evans was appointed a committee of conference on said bill and Mr Johnston appointed a committee for that purpose on the part of the L. C.

A message from the Governor by Mr Johnston his private Secretary Mr Speaker The Governor did this day approve and sign an act for the relief of James Hamilton Sheriff of Dearborn county also an act in amendment of the several acts concerning public roads or highways also that he could not with propriety sign the act to amend the act to prevent trespassing by cutting of timber such act not sufficiently explaining for what purpose it was intended—that if his objections were removed he would then sign the bill whereupon the house made such alteration as they supposed would be satisfactory to the Governor and the clerk informed the L C thereof

bill on this subject being introduced and no explanation of this entry has been found.

Leave being given Mr McFarland presented a bill making certain specific approp[r]iations which was read the first time and said bill was read the second time referred to a committee of the whole and made the order of this day[51]

A message from the Legislative council by Mr Sullivan their clerk[*] Mr Speaker The Legislative Council have passed the bill regulating divorces within the Indiana Territory with some amendments to which they request the concurrence of this house and the house concurred accordingly

Mr Evans from the committee of conference on the bill supplemental to an act for the formation of two new counties out of the county of Knox reported that the committee had agreed that the L. C. recede from their amendments made to the first section of the bill also to the second amendment in the second section of the bill and that the house of representatives recede from their objection to the first amendment in the second section of the said bill

Mr Noble from the committee of enrolled bills reported that the committee had examined the bill regulating divorces within the Indiana Territory and and find said bill duly enrolled whereupon the speaker signed the same and the clerk informed the L C thereof

A message from the L C by Mr Sullivan their clerk Mr Speaker The L. C. have passed the bill from this house authorising the court of Dearborn county to lay an additional tax for the year 1813 with some amendments to which they request the concurrence of this house—have also passed a bill entitled an act supplemental to the act for[*] fixing the seats of justice in all new counties hereafter to be laid off have also concurred in the amendments of this house to the bill for correcting the duplicate or assessment of lands within the Indiana Territory and the house concurred in the amendments of the L. C. to the bill authorising the court of Dearborn county to lay an additional tax for the year 1813

Mr Noble from the committee appointed to contract for the printing of the laws reported as follows

Mr Speaker Your committee that was appointed to act jointly,

[51] No further action is recorded on this measure. A second appropriation bill was introduced. *Post,* 584.

with the committee that was appointed by the L. C., to contract for the printing of the laws passed at the present session; according to order have performed that duty and have agreed with Elihu Stout, that he shall have for printing, and examin[in]g, the proof sheets, making marginal notes, folding, and stitching, and delivering them to the auditor, or Secretary, $1..25 per page Octavo—Shall be paid for as in other cases; and that the said Stout shall deliver in manner aforesaid after the rate of 100 pages per month and to proceed with the printing immediately.

Your committee have been induced to contract thus, believing that it is unnecessary, to appropriate any sum in order to employ a person to superintend the business. Your committee submit herewith a few lines addressed to the committee on the subject aforesaid—which are as follows[*]

Should I be honored with the confidence of the committee so far as to get the public work it shall be printed at the rate of 100 pages per month—

I will examine the proof sheets—make the marginal notes fold stitch and deliver either to the auditor or secretary as may be directed at one dollar an[d] twenty five cents per page

STOUT

The committee appointed to contract for printing

On Motion the bill from the L. C. supplemental to the act for fixing the seats of justice in all new counties was read the first time and on the question that the same be read the second time it was determined in the negative

A message from the L C by Mr Sullivan their clerk Mr Speaker the L. C. have disagreed to the report of the committee of conference on the bill supplemental to the act for the formation of two new counties out of the county of Knox

On Motion the bill from the L. C. appointing commissioners to fix the seats of justice in the counties of Gibson and Warrick was read the first time and said bill was read the second time Ordered to be read the third time now[*] Ordered that the same do pass and that the clerk inform the L. C. thereof[52]

[52] See Evans' statement concerning his vote on this measure, *post*, 581-83.

Mr Noble having obtained leave presented a bill for the relief of Robert Hanna collector of Franklin county which was read the first time and on the question that the same be read the second time it was determined in the negative—

The house then adjourned till monday morning

March 8th 1813

The house met pursuant to adjournment

Mr Noble from the committee of enrolled bills reported that the committee had examined the bill Authorising the court of Dearborn County to lay an additional tax in the year 1813 and for other purposes likewise an act correcting the duplicate or assessment within the Indiana Territory also an act appointing commissioners to fix the seats of justice in the counties of Gibson and Warrick[53]

A message from the Governor by Mr Johnston his private Secretary Mr Speaker The Governor did this day approve and sign an act entitled "An Act regulating divorces within the Indiana Territory also An Act to prevent trespassing by cutting of timber[*]

On Motion the bill to remove the seat of Government of the Indiana Territory from Vincennes to the town of Madison was read the first second and third time[54] Ordered that the same do pass and that the title be "An Act to remove the seat of Government from Vincennes to the town of Madison and the clerk informed the Legislative council thereof

The house according to order resolved itself into a committee of the whole on the bill fixing the times of holding certain courts within the Indiana Territory and after some time spent therein

[53] Apparently this bill failed to receive the Governor's approval since it does not appear among the laws for this session. An act appointing commissioners to fix the seats of justice in Gibson and Warrick counties was passed and approved at the following session. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 431-32; *post,* 625. See Evans' comments on this bill, *post,* 581-83, and the resolution introduced by Evans, *post,* 592-93, which failed to pass.

[54] According to this Journal this bill had passed first and second reading on March 5. *Ante,* 574. No further action on it is recorded.

Mr Speaker resumed the chair and Mr Brown reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house

The ayes and noes being called for on the amendments those who voted in the affirmative are Messrs Brown Evans McFarland McClure Noble Robb Dill Speaker Mr Pennington voted in the negative and so it was determined in the affirmative Ordered that the said bill be engrossed for a third reading now It was then moved to add another section to the bill the ayes and noes being called for Those who voted in the affirmative ar[e] Messrs McFarland Pennington Those who voted in the negative are Messrs Brown Evans McClure Noble[*] Robb Dill speaker and so it was determined in the negative Ordered that the same do pass and that the title be "An Act fixing the times of holding certain courts within the Indiana Territory The ayes and noes being called for those who voted in the affirmative are Messrs Brown Evans McClure Noble Robb Dill Speaker Those who voted in the negative are Messrs McFarland Pennington and so it was determined in the affirmative

Mr Evans by way of protest offered his reasons for voting as he did on the bill for appointing commissioners to fix the seats of justice in the counties of Gibson and Warrick which was ordered to be spread on the journals

Mr Speaker I now beg leave to explain the motives which induced me to vote for the passage of an act entitled an act appointing commissioners for the purpose of fixing the seats of justice in the counties of Gibson and Warrick It is well known that a large majority of the inhabitants south of White river prayed for a division and Subdivision of Knox county at the same time praying that the county seat in the southern division should be placed in the most central and eligible situation on the bank of the Ohio river between a certain range line dividing ranges 6 and 7 and the mouth of Wabash river[*] also that the seat of Justice for the northern division should be fixed west of a certain range line dividing the country between James Crow and Jonathan Congo and the Wabash river. It is well known that I supported the

prayer of the petitioners in this respect in as zealous a manner as my limited abilities would enable me to do but at the time the bill for the formation of two new counties out of the county of Knox was pending in the house of representatives a bill was hurried through both houses of the Legislature establishing the mode of fixing the seats of justice in all new counties. I strove for a postponement of this bill my reasons which I did not think proper to explain to the house at that time were the following I wished a postponement of said bill in order that the bill for the formation of two new counties out of the county of Knox might pass in its then shape as the former law would counteract the latter and the wishes of the petitioners [be] consequently rejected

In this motion for postponement I was overruled and and the law establishing the mode of fixing the seats of justice in all new counties was passed into final effect It then became necessary that I should call up the division bill and strike out all that part of it which prescribed the mode of fixing the seats of justice in those new counties[*] I then drew up an act Supplemental to an act entitled an act for the formation of two new counties out of the county of Knox in which I endeavourd to restrict the commissioners and confine them to the bounds prayed for by the petitioners in fixing the seats of Justice in those new counties I succeeded in getting the bill passed through the house of representatives by a majority of 6 votes. The L. C. sent back the bill with certain amendments striking out the line between ranges 6 & 7 in Warrick county and the line between Crow and Congo in Gibson county as well as the names of the commissioners and inserting other names. To those amendments the house of Representatives disagreed on which I was appointed a committee of conference on the part of the lower house and Mr Johnston a committee on the part of the upper house to confer on the disagreement of the two houses The committee reported that the Legislative council recede from their disagreements in the first section of the bill also from their second amendment in the second section of the bill but that they adhere to the first amendment to the second section of the bill On which the houses both disagreed to the report of the committee on which the bill fell and no bill on the same subject could again

originate in the house of representatives[*] at the present Session A bill immediately originated in the upper house entitled an act appointing commissioners for the purpose of fixing the seats of justice in the counties of Warrick and Gibson which I supported notwithstanding it did not correspond with the prayer of the petitioners yet I found myself bound to support said bill or otherwise no mode would be established by which the seats of justice could be fixed at the present session

I therefore request that this shall be spread on the journals for the information of all concerned or interested on the occasion

ROBT. M. EVANS.

It was then moved to reconsider the bill for forming a new county out of the counties of Harrison and Clark The house appointed Mr McFarland a committee of conference on their part and requested a similar comittee on the part of the L. C.

Mr Brown from the committee to whom was referred the memorial of the citizens of Dearborn County on the subject of Killing wolves reported that inasmuch as provision has been made by this Legislature for the court of Dearborn County levying an additional tax for the Year 1813 it would be inexpedient at this time to lay an additional tax for the encouragement of killing wolves[*]

A message from the Legislative council by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed an act authorising the courts of Dearborn County to levy an additional tax for the year 1813 and for other purposes likewise "an Act appointing commissioners to fix the seats of justice in the counties of Gibson and Warrick likewise "An Act for correcting the duplicate or assessment of lands within the Indiana Territory

Mr McFarland from the committee of conference on the bill for the formation of a new county out of the counties of Harrison and Clark reported that the committee had agreed that this hous[e] adhere to their disagreement to the amendments of the Legislative Council on said bill and that the L. C. adhere to th[e]ir amendments and the house concurred in said report

The house then according to order resolved itself into a committee of the whole on the bill to adjourn the court of common

pleas of Knox county and also the General court and after some time spent therein Mr Speaker resumed the chair and Mr. Pennington reported that the committee had consid[er]ed said bill had made no amendment thereto requested him so to report and reque[st] the concurrence of the house and the house concurred accordingly[*] Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the negative—Adjourned till three O clock

Three O clock P.M. The house met pursuant to adjournment

Leave being given Mr Pennington presented a bill making certain specific appropriations which was read the first time and said bill was read the second time referred to a committee of the whole and made the order of this day. The house then resolved itself into a committee of the whole on said bill and after some time spent therein Mr Speaker resumed the chair and Mr Robb reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered that said bill be engrossed for a third reading now It was then moved and seconded to amend the bill by striking out the words "thirty dollars" a compensation to Mr McFarland for attending at Vincennes in October agreeably to the prorogation of the Governor The ayes and noes being called for those who voted in the affirmative are Messrs Pennington Robb Dill speaker Those who voted in the negative are Messrs Brown Evans McClure Noble and so it was determined in the negative moved to amend by adding a fourth section those who voted in the affirmative are Messrs Brown Evans McClure McFarland Noble Pennington Dill Speaker Mr Robb voted in the negative[*] Ordered that the same do pass and that the title be "An act making certain specific appropriations and the clerk inform the L. C. thereof

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have passed the bill to reduce into one the several laws establishing a permanent revenue with some amendments have also passed a bill to attach the militia of the 4th regt residing on the north side of White river to the first regt of the Indiana Militia and for other purposes to which they request the

concurrence of this house and said bill being read the first time it was postponed till tomorrow

The house then concurred in the amendments of the L. C. to the act to reduce into one the several acts establishing a permanent revenue

Mr Noble from the committee of conference on the bill to remove the seat of Government to Corydon reported that the committee had agreed that this house recede from its amendments and on the question that the house concur in the report of the committee it was determined in the affirmative The ayes and noes being called for those who voted in the affirmative are Messrs Brown McClure McFarland Noble Pennington Dill Speaker Those who voted in the negative are Messrs Evans Robb

The house then adjourned till tomorrow morning[*]

March 9th 1813

The house met pursuant to adjournment Leave being given Mr Pennington presented a joint resolution as follows

Resolved by the L C and house of representatives that when the Governor prorogues both houses of the Legislature at the end of the present session he shall prorogue the said two houses to meet at the seat of Government on the first monday in December next which day shall be and is hereby declared to be the time for the meeting of the said Legislatur which was read and passed

On Motion Ordered that this house concur in the amendments of the L. C. to the bill allowing a salary to the auditor and other officers therein named[55]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L C have passed a bill for the relief of Robert Hanna collector of Franklin county and request the concurrence of this house and on the question that the house concur in said bill it was determined in the negative and ordered that the said Hanna have leave to withdraw his papers from this house[56]

[55] The House had concurred in the Council amendments on March 4. See *ante*, 569.

[56] The appropriation act passed at this session contained an allowance of $6.50 to Robert Hanna, sheriff of Franklin County, for advance

A message from the Governor by Mr Johnston his private secretary—Mr Speaker The Governor did this day approve and sign the following acts Viz "An Act authorising the court of Dearborn[*] county to levy an additional tax in the year 1813 and for other purposes also an act for the formation of two new counties out of the county of Knox An Act for the relief of John Hunter and the heirs of Jacob Warrick deceased

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have passed the bill from this house making certain specific approp[r]iations with some amendments to which they request the concurrence of this house and the house concurred accordingly also an act fixing the time of holding certain courts within the Indiana Territory with some amendments to which they request the concurrence of this house likewise the joint resolution from this house with an amendment to which they request the concurrence of this house and the house concurred in the amendments to the joint resolution

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The Governor by his private Secretary Mr Johnston informed the L C that he did this day approve and sign an act for correcting the duplicate or assessment of land within the Indiana Territory

Mr Noble from the committee of enrolled bills reported that the committee had examined the bills Viz An Act allowing a salary to the auditor and other officers therein named[*] Also an act to reduce into one the several acts establishing a permanent revenue Also an act to remove the Seat of Government to the town of Corydon in the county of Harrison also an act making certain specific appropriations when the speaker signed the same and the clerk informed the L C thereof

Leave being given Mr Evans presented a bill in addition to the act entitled an act establishing and regulating the militia and in aid of the act establishing and regulating the militia which was read the first time and said bill was read the second time referred

sale of land for delinquent taxes. Perhaps this is the amendment the Council put in the appropriation bill which was accepted by the House. See below, and Ewbank and Riker (eds.), *Laws, 1809-16,* p. 360.

to a committee of the whole now and after some time Spent therein Mr Speaker resumed the chair and Mr Pennington reported that the committee had considered said bill had made some amendments thereto which he handed in at the clerks table where they were read and concurred in by the house Ordered to be engrossed for a third reading now Ordered that the same do pass and that the the clerk inform the L C thereof

On Motion for exempting the pilates at the falls of Ohio from Militia duty The ayes and noes being called for those who voted in the affirmative are Messrs Brown Evans Dill in the negative Messrs McClure Noble Pennington Robb so it was determined in the negative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The president of the L. C. has signed an act for the removal of the seat of Government to Corydon in the county of Harrison also an act allowing a salary to the auditor[*] and other officers therein named

On the question that the house concur in the amendments of the L C to the bill fixing the times of holding certain courts within the Indiana Territory it was determined in the negative Messrs Evans and Noble were appointed a committee of conference on said bill and a similar committee was requested from the L. C.

Mr Noble from the committee of enrolled bills reported that the committee had examined the joint resolution of both houses on the subject of the prorogation of this Legislature and had found said resolution duly enrolled when the speaker signed the same and the clerk informed the L C thereof

Leave being given Mr Pennington presented a bill to adjourn the next term of the General court of the Indiana Territory which was read the first and second time Ordered to be engrossed for a third reading now[*] Ordered that the same do pass that the title be An Act to adjourn the next term of the General court of the Indiana Territory

The L C have appointed Mr Johnston a committee of conference on the bill fixing the times of holding certain courts within the Indiana Territory The president has signed the joint resolu-

tion respecting the prorogation of this Legislature also an [a]ct to reduce into one the several acts establishing a permanent revenue

And then the house adjourned till tomorrow morning—

March 10th 1813

The house met pursuant to adjournment

A message from the Governor by Mr Johnston his private secretary Mr Speaker The Governor did this day disapprove and reject the following acts Viz. An Act fixing the times of holding certain courts within the Indiana Territory[57]

On Motion of Mr McFarland Resolved by the Legislative Council and House of representatives that nothing in any law usage or custom shall be so construed as to effect the residence of the Governor and secretary of the Indiana Territory provided he or they reside in said Territory any law to the contrary notwithstanding Ordered that the title be A joint resolution[*] of both houses respecting the residence of the Governor and Secretary

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have concurred in a joint resolution respecting the residence of the Governor and Secretary

On Motion Resolved that a joint committee from each house be appointed to wait on the Governor and inform him that this General Assembly will be ready for a prorogation this day at three O clock for which purpose they will meet the governor in the representatives chamber

Mr Noble from the committee of conference appointed to confer on the amendments made by the L C to the bill fixing the times of holding certain courts within the Indiana Territory reported that the said committee have agreed that the L. C. recede from their amendments respecting the time of holding the court and that the house of representatives recede from their disagreements to all other amendments and the house concurred accordingly

57 This entry must be a mistake, for the bill concerning fixing the time of holding certain courts in Indiana Territory had not yet passed both houses. See below and *post,* 589, 592, for final agreement and the report that the Governor had given his approval.

Leave being given Mr Robb presented a bill regulating the admission and practice of attornies and counsellors at law[*] which bill was read a first time and on motion that said bill be read a second time now it was determined in the negative

Mr Noble from the committee of enrolled bills reported that the committee had examined the joint resolution of both houses respecting the residence of the Govenor and secretary and had found said bill duly enrolled have also examined a bill fixing the times of holding certain courts within the Indiana Territory and find said bill duly enrolled

Adjourned till three oclock

Three O clock P M the house met pursuant to adjournment

On Motion that the bill for the admission of attornies be read the second time to day it was determined in the negative The ayes and noes being called for those who voted in the affirmative are Messrs McClure Robb Dill speaker in the negative Messrs Brown Noble Pennington There not being two thirds in the affirmative as required by the rules

A Message from the L C by Mr Sullivan their clerk Mr Speaker the L. C. have passed the Militia bill from this house with some amendments also a joint resolution to which they request the concurrence of this house and on the concurrence in said resolution the ayes and noes being called for those who voted in the affirmative are Messrs Evans McClure[*] Those who voted in the negative are Messrs Brown Noble Pennington Robb Dill speaker and so it was determined in the negative

On Motion the bill regulating the admission of attornies was postponed till next Session

On Motion the house disagreed to the amendments of the L. C. on the Militia bill a committee of conference was appointed and Mr Noble was that committee who reported that the committee have agreed that the L C recede from the amendments to the second section of the bill and from the 9th section and that the house of representatives recede from their objections to the other amendments of the L C and the house disagreed to said report

On Motion of Mr Brown The house came to the following resolution

Resolved by the house of representatives That William Hendricks be considered as the clerk of this house for the next session and that it is the duty of the said William Hendricks to convey the books papers records and proceedings of this house relative to his office to the town of Corydon in the county of Harrison agreeably to the provisions of the act entitled an act to remove the seat of Government to the town of Corydon in the county of Harrison Ordered that the bill to attach a portion of the 4th regt to the 1st regt Indiana Militia be read the third time and on the question that the same do pass it was determined in the negative[*]

The L C then informed the house that they have disagreed to the bill for the adjournment of the General Court

The committee of conference on the bill respecting a part of the 4th regt of the Indiana Territory reported that they had agreed that this house adhere to its disagreements to the said bill

Mr Robb presented a bill fixing the times of holding the courts in the counties of Gibson and Warrick which was read the first second and third time and passed and the clerk informed the L C thereof[58]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have resolved that they will not nor can they with propriety make any regulations respecting the times of holding courts in the several counties until they are officially informed whether the seat of Government is removed or not in order to enable them to know where the proper circuits ought to be established

A message from the L C by Mr Sullivan their clerk Mr Speaker The L C have come to a resolution on the subject of transferring suits from the General court to the court of common pleas to which they desire the concurrence of this house and on Motion that the house do now concur in the aforesaid resolution it was determined in the negative

The house then adjourned till tomorrow morning[*]

58 No further action on this bill is recorded.

March 11th 1813

The house met pursuant to adjournment

On Motion of Mr Robb Ordered that a select committee be appointed to draft a memorial to the president of the United States describing the defenseless and melancholy Situation of the Territory and praying that efficient measures may be provided for the protection of our extensive frontiers and that they report the same to this house for its concurrence and and Messrs Robb McFarland and Brown were appointed that committee who reported a memorial to the president on that subject and the house concurred in said report[59]

Leave being given Mr Robb presented a bill providing for and fixing the time of holding a circuit court in the county of Knox which bill was read a first second and third time Ordered that the same do pass that the title be "An Act providing for and fixing the time of holding a circuit court in the county of Knox[60]

A message from the L. C. by Mr Sullivan their clerk Mr Speaker The L. C. have concurred in the memorial from this house to the president of the U. S.

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L C have come to the following resolution Viz resolved by the L C and house of Representatives that a joint committee be appointed to wait on the Governor and inform him that they[*] have got through their Legislative business provided all the laws which have been handed to the Govenor have been acted on by him and reported to the Legislature and that the committee inform the Governor that in case some of the laws handed to him for his approval should be negatived then in that case it becomes necessary to pass some other laws which will occupy but a short time

Mr McFarland on motion of Mr Robb obtained leave of

[59] The memorial is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 793-95, from the Vincennes *Western Sun,* July 3, 1813. The President referred the memorial to the Secretary of War who reported on April 23, 1813, the steps that were being taken to protect the frontier regions of the Territory. Carter (ed.), *Territorial Papers,* 8:255.

[60] No further action on this bill is recorded.

absence from this day to the close of the present session—adjourned till two Oclock

Two [o']clock P M. The speaker being absent Mr Noble was appointed speaker pro tem and the house preceded to do business

A message from the Governor by Mr Johnston his private secretary Mr Speaker the Governor has disapproved and rejected the act more effectually to prohibit the introduction of negroes mulattoes or slaves into the Indiana Territory also an act regulating the practice of the General court and courts of common pleas also an act allowing a salary to the auditor and other officers therein named That he did on the 10th approve and sign the joint resolution fixing the time for the prorogation of the Legislature also an act making certain specific appropriations also on this day an act fixing the terms of holding certain courts within the Indiana Territory[*]

A message from the L C by Mr Sullivan their clerk Mr Speaker the L C. have passed an act in addition to an act establishing and regulating the militia and in aid of an act establishing and regulating the militia which was read the first and second time Ordered to be engrossed for a third reading now and on the question that the same do pass it was determined in the negative

A message from the L. C. by Mr Sullivan their clerk Mr Speaker the L. C. have passed an act to repeal the act fixing the salaries of certain officers and request the concurrence of this house and the house postponed the consideration of the same till next session

On Motion of Mr Evans Resolved by the L C and H. R. that William Poke William Gamble Ephraim Jordan Able Westfall and Andrew Purcell or a majority of them be and they are hereby appointed commissioners for the purpose of fixing the seats of justice in the counties of Gibson and Warrick whose duty it shall be to convene at the house of Isaac Montgomery in the county of Gibson on or before the first day of June nex[t] and proceed to fix on the most suitable place for the seat of justice for the county of Gibson and also to convene at the house of Jonathan Anthony on or before the third Monday in June next to fix on

the most suitable place for the seat of justice in the county of Warrick agreeable to an act of this Legislature[*] for fixing the seats of justice in all new counties Ordered that the clerk inform the L C thereof and the L C agreed to the same with amendments to which they request the concurrence of this house and the house disagreed to the amendments of the L C[61]

A message from the L C by Mr Sullivan their clerk Mr Speaker the L. C. have appointed Mr Manwaring a committee on their part to wait on the Governor and inform him that the Legislature are ready for prorogation

A message from the Governor by Mr Johnston his private Secretary Mr Speaker the Governor did this day approve and sign an act to reduce into one the several acts establishing a permanent revenue Mr Johnston also informed the house that the Govenor would meet both houses in the representatives chamber this evening at seven O clock and prorogue the Legislature The house then adjourned till half past six O clock in the evening

Half past six O clock P M The house met pursuant to adjournment and soon after the Governor by his private Secretary Mr Johnston informed the house that he could not with convenience wait upon the Legislature this evening but that he would at 7 O clock A. M. tomorrow wait on both houses in the representatives chamber and prorogue the same And then the House adjourned till tomorrow morning at seven O clock—[*]

March 12th 1813

The house met pursuant to adjournment

On Motion Resolved that Mark Barnet be allowed four dollars for house rent and fire wood not included in the appropriation law

Mr Noble from the committee of enrolled bills reported that the committee had examined the bill allowing Mark Barnet a

[61] No further action was taken at this session. Commissioners appointed by the next session of the legislature to select the site of the seats of justice were William Polke, Abel Westfall, John Ochletree (Ockeltree), Robert Elliott, and William Prince. Ewbank and Riker (eds), *Laws, 1809-16*, pp. 431-32.

further compensation as door keeper when the speaker signed the same and it was approved by the Governor

A message from the Governor by Mr Johnston his private secretary Mr Speaker the Governor did on the 11th approve and sign an act to remove the seat of Government to Corydon in the county of Harrison

The Governor then met both houses in the representatives chamber and prorogued the Legislature to meet at Corydon in the county of Harrison the first monday in December next

FOURTH GENERAL ASSEMBLY
SECOND SESSION

December 6, 1813—January 6, 1814

HOUSE OF REPRESENTATIVES

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY begun and held at the Town of Corydon, in the county of Harrison, on Monday the sixth day of December, one thousand eight hundred & thirteen, and of the Independence of the United States the Thirty eighth.[1]

This being the day appointed by a Joint resolution of both houses of the Legislature at their last session, and approved by his Excellency, John Gibson then acting Govenor of the Territory, for the meeting of the General Assembly, the following members appeared, Viz.

James Brown from Wayne County
James Noble from Franklin County
Isaac Dunn from Dearborne County[2]
William Hendricks from Jefferson County[3]
John Douthitt from Clarke County[4]
Dennis Pennington from Harrison County
Isaac Montgomery[5]
David Robb and
Daniel McClure } From the Counties of Knox Gibson & Warrick—

Four of the above mentioned members, viz. Messrs Dunn, Hendricks, Douthitt & Montgomery having been elected since the last

[1] From manuscript Journal in Archives Division, Indiana State Library. Apparently the complete Journal was published in the Madison *Western Eagle* between December 17, 1813, and April 1, 1814, but the files of the paper are broken. See *post,* 611n.

[2] Elected to succeed James Dill, resigned. Territorial *Executive Journal,* 201.

[3] Elected to succeed William McFarland, resigned. *Ibid.,* 202.

[4] Elected to succeed James Scott who resigned upon his appointment as one of the judges of the General Court.

[5] Elected to succeed Robert M. Evans, resigned. Territorial *Executive Journal,* 201-2.

session of the Legislature were now sworn in the usual form, and together with[*] the other members, took their seats.

The House proceeded to elect a Speaker. Upon examination it was found that James Noble had seven votes and James Brown Two. Mr. Noble being therefore duly elected, took the chair.

The House proceeded by ballot to elect a Clerk. Upon examination it was found that General W. Johns[t]on had four votes, Isaac Blackford[6] four, and George Pope one.

No person being elected, the House proceeded a second time, by ballot, to elect a Clerk. The ballots being examined, it appeared that Isaac Blackford had six votes and General W. Johns[t]on Three.—The Speaker therefore declared Mr. Blackford duly elected, who was accordingly sworn into office.

A message from the Legislative Council. Mr. Speaker, We are directed by the Legislative Council to inform this House that a quorum have appeared and took their seats, & are ready to proceed to business—That they have continued George R. C. Sullivan as Secretary, and have elected Patrick Sheilds door keeper. Walter Wilson John Harverson [Harbison] Committee.

On motion of Mr. Robb. Ordered that the Clerk of this House[*] inform the Legislative Council that the House of Representatives have formed a quorum, and are ready to proceed to Legislative business—That James Noble is elected Speaker—Isaac Blackford Clerk, & Patrick Sheilds[7] door keeper.

[6] Blackford was born at Bound Brook, New Jersey, November 6, 1786. He came to Indiana after graduating from Princeton, and settled first at Salem then moved to Vincennes. He was appointed a judge of the state Supreme Court in 1817, which position he held thirty-five years. He died December 31, 1859. He published in eight volumes selections of his reports of the decisions of the Supreme Court. These were of such high standard that they are accepted as authority wherever courts recognize the common law as their rule of action. William Wesley Woollen, *Biographical and Historical Sketches of Early Indiana* . . . (Indianapolis, 1883), 344-52.

[7] Shields was probably the first settler in what is now Georgetown Township in Floyd County. He came to Indiana from Virginia in 1805 and built a cabin at the site of the present village of Georgetown, which grew up around his cabin and the gristmill he erected in 1825. He was a man of good natural ability, kind hearted, and a true friend. He served as a private in the Battle of Tippecanoe. In 1805 he was commissioned a justice of the peace, and served as common pleas judge,

A message from the Legislative Council, by Mr. Sullivan their Secretary—Mr. Speaker I am directed by the Legislative Council to inform the House of Representatives that they have appointed John Harverson a committee on the part of the Legislative Council to act with such as may be appointed on the part of the House of Representatives to contract for stationary for both houses during the present session—and that the Legislative Council have appointed Soloman Manwaring a committee on their part to act with such as may be appointed on the part of this House to wait upon the Governor & inform his Excellency[8] that a quorum in both houses is formed, and are ready to receive any communications he may wish to make.

On motion of Mr. Hendricks Resolved that a committee be

1808-14, as circuit court judge, 1814-18, and as associate judge, 1827-38. He was a member of the Constitutional Convention of 1816. *History of the Ohio Falls Cities and Their Counties* . . . (2 vols. L. A. Williams & Co., Cleveland, 1882), 2:265, 266, 269; Territorial *Executive Journal,* 135, 151, 206, 221; *Executive Proceedings, 1816-36,* pp. 64n, 434, 435.

[8] Thomas Posey (born July 9, 1750), a Virginian and colonel in the Revolution, had lived for a while in Kentucky, then moved to Louisiana where in 1812 he was appointed to the U. S. Senate. On March 3, 1813, he was commissioned governor of Indiana Territory by President Madison. Gibson continued as territorial secretary. Carter (ed.), *Territorial Papers,* 8:253-54, 261. For a sketch of Posey, see Woollen, *Sketches,* 21-28.

In a letter to Gibson, written from Washington on March 13, 1813, Posey relates that he had been to call on the President and the Secretaries of State and War, and had "endeavored to make the best disposition possible for the defence of the Territory." He also wrote that he understood that there was some opposition to him in the Territory because he was from a slave state. He stated that he was opposed to slavery and had emancipated the few slaves that he had had, and added: "I am sure I shall never sanction a law for slavery or any modification of it." He was aware of the "party spirit" in the Territory and announced that he would "neither meddle or interfere with parties or elections. . . . I shall attend to what is strictly my duty in office & endeavor to make the people as happy as I am capable paying strict attention to the general welfare of the Territory.

"I did not make application either directly or indirectly for the appointment, neither did I know of the appointment until after it was confirmed by the senate.

". . . The opposition made by Mr Jennings I am sure was from principle & not from any dislike to my person [or] character." A. L. S. in English Collection, Indiana Historical Society Library.

appointed to make arrangements with the committee on the part of the Legislative Council to contract for stationary, & thereupon Mr. Pennington was appointed[*] that committee.

On like motion Ordered that a committee be appointed to act in conjunction with the committee on the part of the Legislative Council, to wait on the Governor, and inform him that a quorum is formed in both houses, and are ready to receive any communications from him—and that Mr. Dunn be that committee.

On motion of Mr. Montgomery, Resolved that a committee of Elections be appointed to examine the credentials of those members of this House, who have been elected since the last session of the Legislature, and report thereon. Thereupon Messrs Robb, Brown and Pennington were appointed that committee.

On motion of Mr. Robb Ordered that William Hendricks former clerk to this House, do deliver to Isaac Blackford the present clerk, all the books & papers in his possession appertaining to his said office.—

Message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, the Legislative Council have appointed Solomon Manwaring a committee[*] of enrolled bills to act with such as may be appointed by the House of Representatives.

On motion of Mr. Pennington Resolved that a committee of enrolled bills be appointed to act with the committee on the part of the Legislative Council. Mr. Hendricks was appointed that committee.

Mr. Dunn from the joint committee made a report that he had according to order waited on his Excellency the Governor, who returned for answer that he would wait on the Legislature immediately in person, & make a communication to them.

On motion Ordered that the clerk of this House do inform the Legislative Council that this House are now ready to receive them, in order to receive the Governor's communication.

The Legislative Council entered and were seated on the left of the Speaker's chair.

The Governor attended, escorted by the Joint Committee, and was conducted to the Speaker's chair.

The following speech was then delivered by his Excellency.—[*][9]

On motion Ordered that a committee of Two be appointed to draft an answer to the address of his Excellency the Govenor delivered to this House; and that Messrs Douthitt and Hendricks be that committee.

On motion Ordered that this House adjourn until to morrow morning nine O'clock. And the House adjourned accordingly.

Tuesday morning 7th December 1813.

The House met agreeably to adjournment.

Mr. Brown from the committee to whom was referred the documents respecting the elections of Messrs Dunn, Hendricks, Douthitt and Montgomery reported that they had examined the same, and consider them duly elected, and entitled to seats in this House. Which report, on motion of Mr. Robb, was concurred in.

On motion of Mr. Robb Ordered that the rules & regulations adopted by the House of Representatives, for the government thereof during the last session, be continued the rules and regulations for the government of the House during the present session.

The Speaker laid before the House the petition of[*] Jean Kimbly, alias Long, formerly Jean Dodge, praying an act of the Legislature to dissolve her marriage with Jacob Long, and legalize her marriage with Isaac Kimbly, together with the affidavit of Anderson Long—which papers were read, and on motion of Mr. Hendricks Ordered that they be referred to a select committee, and that Messrs Dunn & Montgomery be that committee.—

Mr. Hendricks presented a a petition from David Barker praying an act of the Legislature to dissolve his marriage with Paulina his wife, formerly Paulina Moshier, together with the depositions of Messrs Bagley and Lockwood; which papers were read and on motion of Mr. Hendricks, Ordered that they be referred to a select committee with leave to report by bill or otherwise; and that Messrs Brown and Hendricks be that committee. Mr. Hendricks from the committee to whom was referred the

[9] The Governor's message is given in the Council Journal, *post,* 690-93.

petition and accompanying documents of David Barker praying a divorce, reported *instanter* a bill entitled as follows

A Bill to dissolve the marriage of David Barker and Paulina his wife—which bill was read the first time, &

On motion Ordered that the said bill be read a second time to morrow.[*]

On motion of Mr Robb Ordered that a select committee be appointed to bring in a bill appointing commisioners to fix upon the seats of Justice in and for the counties of Gibson and Warrick; and that Messrs Robb and Montgomery be that committee.

The Speaker laid before the House the Treasurer's report.[10]

On motion of Mr. Robb Ordered that the report of the Territorial Treasurer be referred to a select committee & report by by bill or otherwise; and that Messrs Robb, Hendricks and Dunn be that committee.

On motion of Mr. Pennington Ordered that a select committee be appointed to examine the several Laws in force in this Territory concerning counsellors and attornies at Law, with leave to report by bill or otherwise; and that Messrs Hendricks and Pennington be that committee.

On motion of Mr. Hendricks Ordered that a committee be appointed to enquire into the expediency of enacting a Law, vesting a power in the Judges of the courts of common pleas to hold[*] special courts for the Trial of persons committed to Jail, with leave to report by bill or otherwise; and that Messrs Robb, McClure & Hendricks be that committee

On motion of Mr. Dunn Ordered that a select committee be appointed to enquire into the expediency of the passage of a Law more expressly defining & explaining actions of slander, with leave to report by bill or otherwise; and that Messrs Dunn & Douthitt be that committee.

Mr. Hendricks from the committee appointed to prepare an answer to the Governor's communication to both Houses, at the commencement of the present session, reported an address for that purpose.

[10] General Washington Johnston was treasurer.

On motion of Mr. Brown Resolved that the House do concur with the said answer to the Govenor's communication as reported by the select committee.

On motion of Mr. Hendricks Ordered that a committee be appointed to wait on the Governor and know at what time and place, he will be pleased to receive the answer of this House to his communication to both Houses[*] at the commencement of the present session; and that Messrs Montgomery and Douthitt be that committee.

On motion of Mr. Pennington Ordered that the petition of Clement Nance and others respecting the leasing of lands reserved for the use of schools be referred to a select committee; and that Messrs Dunn, Brown & Pennington be that committee.

On motion of Mr. Robb Ordered that so much of the Governors speech as relates to the Judiciary system, be referred to a select committee with leave to report thereon; and that Messrs Brown, Robb and Hendricks be that committee.

On motion of Mr. Montgomery, Ordered that the petition of Jessee Emmerson and others respecting the exclusion of free people of color from the Territory be referred to a select committee & that Messrs Montgomery, Dunn and Douthitt be that committee.[11]

On Motion Ordered that the House adjourn 'till to morrow morning nine O'Clock — and the House adjourned accordingly.—[*]

[11] Emerson lived in Gibson County. There was growing up considerable opposition to the immigration of free negroes into the Territory from the South. One evidence of this is a memorial signed by fifty-four citizens of Harrison County to Governor Posey, stating the disturbance caused by the emancipation of forty-seven negroes in the county by William Vincett, of Kentucky, and the rumor that sixty or seventy more were to be brought in shortly. They expressed fear for "property, wives and daughters," and asked that a law be passed to prevent their settlement and also the further introduction of people of color. This document, undated, is in the English Collection, Indiana Historical Society Library. For the report on the Emerson petition see *post,* 606. The bill introduced in the House at this session to prevent the introduction of negroes, mulattoes and slaves into the Territory was rejected by the Council. *Post,* 644. And a bill from the Council to tax free persons of color in the Territory was rejected by the House. *Post,* 667.

Wednesday morning 8th December 1813.

The House met agreeably to adjournment.

Mr. Hendricks presented a petition of David Hillis praying releif in certain cases—[12]

On motion of Mr. Hendricks Ordered that the said petition be referred to a select committee; and that Messrs McClure, Robb & Hendricks be that committee.

Mr. Pennington from the committee to whom was referred the petition of Clement Nance and others, reported by bill entitled as follows.

A Bill for the relief of those who leased sections No. 16, called school sections under the act of 1808 which bill was read, and

On motion of Mr. Pennington, Ordered that the said bill be read a second time to morrow.

Mr. Montgomery presented the petition of Edmond Hogan & Thomas Neely praying an act of the Legislature to establish a toll bridge across Patoka river, which was read & on motion of Mr. Montgomery

Ordered that it be referred to a committee, and that Messrs Montgomery Dunn and Robb be that committee.

Mr. Robb from the committee to whom was referred the petition of David Hillis, reported his bill, entitled as[*] follows,

"A Bill for the releif of David Hillis," which was read and on motion

Ordered that the said bill be read a second time now, and it was read accordingly.

On motion of Mr. Hendricks Ordered that the said bill be referred to a committee of the whole, and be made the order of the day for to morrow.—

On motion of Mr. Brown Ordered that a select committee be appointed to examine and bring in all unfinished business of the

[12] Hillis, of Jefferson County, was lieutenant colonel of the sixth regiment of Indiana militia. During the Indian disturbance in the spring of 1812 he had called out forty militiamen who served 17 days and for whose subsistence he contracted for provisions. The Assembly passed a bill providing for compensation to him for the amount of the contracts. *Post,* 615, 621; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 433.

last session, with leave to report by bills or otherwise; and that Messrs Dunn and Brown be that committee.

The committee to whom was referred the petition of Jean Kimley together with the documents accompanying it beg leave to report as follows, that upon examining the existing laws of the Territory on the subject of divorce, Your committee beleive her entitled to no other releif, than that which those laws afford her. In which report the House concurred

On motion of Mr. Hendricks the bill entitled "A Bill to dissolve the marriage of David Barker and Paulina his wife" was read a second time.

On motion Ordered that the said[*] bill be engrossed and read a third time to morrow.—

The House resolved itself into a committee of the whole on the state of the Territory, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Pennington reported that the committee of the whole according to order had the State of the Territory under consideration, & have agreed to the following resolutions, To which they desire the concurrence of the House

Whereas in the month of March or April last, Jonathan Jennings the Delegate in Congress from the Territory forwarded circular letters to the citizens of the Territory, giving information to them that congress had passed a Law authorising four additional companies of rangers to be raised for the protection of the frontiers of the Territory aforesaid, and when raised the companies were to elect their officers, & then tender their services to the President of the United States thro' the Governor of the Territory;[13] and

[13] On November 24, 1812, Jennings, territorial delegate to Congress, reported to the House of Representatives the almost defenseless situation of the Indiana frontier and offered a resolution that a committee be appointed to inquire into the expediency of adding two more companies of mounted rangers for the protection of the Territory. On January 8, 1813, he introduced a series of resolutions to the same purpose and also recommended compensation for the militia and volunteers who had already seen service. An act providing for ten new companies of rangers was approved February 25, 1813. Four companies were to be raised in Indiana Territory. *Annals of Congress,* 12 Congress, 2 session, 195, 648-49; U. S. *Statutes at Large,* 2:804; circular letter from Jennings to his constituents dated February 27, 1813, printed in Esarey (ed.), *Messages*

whereas among other companies that tendered their services to the President of the United States through his Excellency John Gibson the then acting Governor of the Territory aforesaid were those of Captains Hargrove and Peyton, which remained in service several months and at length were discharged without receiving any compensation.[14] In order therefore to be the better enabled to present a memorial to Congress[*] on this subject,

1st Resolved by the House of Representatives that the Governor of the Territory aforesaid, be requested to give all the information in his power, as to the proceedings of his Excellency John Gibson the then acting Governor of said Territory, so far as relates to his

and Letters, 2:376-77. A good account of the rangers' service is given in Dillon, *History of Indiana,* 520-27.

[14] Four companies were raised in the Territory between April 12 and May 30, and their officers approved by the Senate upon nomination by the President. They were commanded by Captains Williamson Dunn, Pierre Andre, James Bigger, and Frederick Shoults. U. S. Senate *Executive Journal,* 2:370, 380. No appointments appear for William Hargrove and Craven Peyton. Acting Governor Gibson, according to a letter which he wrote to the Secretary of State, upon receipt of Jennings' circular letter, accepted the offers of Peyton, Hargrove, Dunn, and Andre to raise companies. Considering that the four companies thus raised were all that the Territory was entitled to, he rejected the offers of Patrick Shields, James Bigger, and Frederick Shoults to raise companies. Gibson to the Secretary of State, October 9, 1813, in Esarey (ed.), *Messages and Letters,* 2:570-72. A postcript to this letter states that Governor Posey had written a more detailed account of the matter to the Secretary of War, which has not been found.

Some light is thrown on the matter by the memorial of the territorial Assembly to Congress for the relief of Hargrove and Peyton and their companies, printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 798-801. See *post,* 671, 679, 682, for its passage. This states that these companies were dismissed from the service of the United States "in consequence (as it is said) of two companies (to wit) Captain Biggers & Sholts', which were not reported to the General Government through the acting Governor of the Territory as required by Mr Jennings circular letters, having been accepted & commissioned by the President of the United States." However, the memorial also states that Gibson had assured Governor Posey that he had reported the companies he had authorized to the Secretary of War. The memorial was introduced into the House and referred on January 24, 1814. Hargrove, Peyton and their companies received payment for their services. Esarey (ed.), *Messages and Letters,* 3:31; Muster, Pay and Receipt Rolls, War of 1812, 4:573, 620 (photostats in Genealogy Division, Indiana State Library).

deeds or acts in raising, recruiting, ordering or promising the said companies of Rangers as fully as the same appears in the Secretary's office of the Territory aforesaid or otherwise—2nd Resolved That the Governor be requested to lay before this House any information in his possession relative to the authority by, & manner in which Captains Hargrove's & Peyton's companies of Rangers were raised and brought into the service of the United States in the month of April last[15]— and especially such information as relates to the following points, viz:

1st To the encouragement given by Secretary Gibson, (then acting Governor) to those Captains to raise companies previous to their enlisting any men for that purpose, and to the assurance that he gave them of their being by him accepted, provided they should raise those companies.

2nd To the report & offer of service of Captains Hargrove & Peyton through Secretary's Gibson to the President of the United States.[*]

On the question being put, will the House concur in the report of the committee of the whole on the forgoing resolutions, The House concurred therein.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker The Legislative Council have adopted the joint rules of the last session of the Legislature of the Territory, for the government of the present session, & desire the concurrence of this House thereto.

On motion Ordered that this House concur in said resolution, & that the clerk inform the Legislative Council thereof.

Mr. Robb from the committee appointed to bring in a bill appointing commissioners to fix upon the seats of Justice in & for the counties of Gibson & Warrick reported a bill, which upon motion was read the first time, &

Ordered that the said bill be read a second time to morrow.

Mr. Hendricks presented the petitions of John Vawter praying relief in certain cases, with the document accompanying the same,[16] & on motion

[15] See Governor Posey's reply, *post,* 648.

[16] Vawter had been sheriff of Jefferson County. The resolution which the Assembly passed in response to his petition instructed the auditor to

Ordered that the said petition be referred to a select committee, with the document accompanying it, & that Messrs Hendricks & Dunn be that committee.[*]

The committee to whom was referred the petition of Jessee Emmerson and others reported that the committee were of opinion that a Law complying with the prayer of said petition would be contrary to the Laws of humanity, inasmuch as it would prevent the free sons of Africa from becoming citizens of our Territory, and would also be contrary to the constitution of this our Territory, because that impliedly tolerates voluntary servitude, and the House concurred in said report

The Govenor agreeably to information waited on the House of Representatives, and received their address as follows[17]

To his Excellency Thomas Posey Govenor & Commander in Chief in and over the Indiana Territory.

Sir With heart felt gratitude we have heard the communication which You have been pleased to make to the Legislature at the commencement of the present session. While we detest adulation & abhor flattery in every point of view, it would ill accord with our feelings at the present, to suppress the emotions of our minds excited on that occasion— It would cast a shade on the lustre of Your name to suppose that Your political transactions could for a moment be[*] seperated from the recollection of that epoch which placed You illustrious in the annals of our country.— It is with a pride peculiar to the present occasion that we behold You in the evening of your life, the Guardian of our rights— The Governor of the Territory. With You Sir we view the present crisis as calamitous & "big with great events." With You we appreciate the importance of divine supplications & implore the benedictions of that Being who in wisdom manages the affairs of the Universe, and who fixes in Justice the destiny of

give Vawter "all the relief that he was entitled to from the judges of the court of common pleas" under the act "for correcting duplicates or assessments of the lands within the territory and for other purposes," passed by the 1813 Assembly. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 505.

17 A copy of the address, and the Governor's reply is in the English Collection, Indiana Historical Society Library.

Nations. While we ascribe the success of our arms to the omnipotent director of Armies, we cannot without admiration view the conduct of those who have been prominent in achievements singularly important to our infant country. We cannot divest ourselves of national pride when we view the Heroes of our country triumpthant on the ocean. We cannot for one moment doubt the success of a war, founded in Justice— directed by men distinguished in the cabinet and in the feild, and "who have grown old in the service of their country." While Sir with You we deprecate the horrors of war, we rejoice at many of its effects— That a period has arrived which has called forth talents venerated in the[*] world— Successful in contests by land and Sea. That the unjust, envious, and jealous policy of England forced us into the war, no unprejudiced mind can doubt; and we rejoice to find that in so advanced a period of Your life, You have borne the sword of your country.

But on events more peculiarly interesting to this Territory we with pleasure dwell. With You Sir we abhor that cringing and detestable policy, which would submit to British aggression and cherish a hostile colony—a scourge on our borders.— We are astonished at the mistaken and obstinate policy of the New England States in opposing the Junction of the Canadas to the Union. It would add weight and influence to the Northern States in the councils of the nation—would check the progress of the seat of Government towards the isthmus of Darien, and more fairly ballance the two great interests of our country—The Commercial and Agricultural.

We cordially acquiesce sir in Your views of the propriety of laying off a Tract of country on our north western frontiers, to be given as donations to actual settlers thereon. This measure, perhaps not so absolutely necessary at present as it would have been some time ago, Yet this hardy race of peasants joined to those of Upper[*] Canada, would present a formidable barrier to the incursions of the Savages, and extend its protection to the Territories of the west— It would be good policy on the principles of economy, as it would greatly enhance the value of the interior lands and hasten their settlement.

The subjects suggested by You for consideration will meet the early and attentive notice of the Legislature. We are fully apprised of the necessity of revisal and amendment in many of our Laws. Of the great importance of alteration in the militia Law at the present crisis, we are abundantly convinced— And as Guardians of the public revenue we feel it our imperious duty to examine into the situation and state of the Territory.— Confident of Your aid and concurrence in our deliberations and measures, we the more cheerfully engage in the arduous task consigned us.— Permit us Sir to express our warmest wishes for Your welfare. May the period of Your administration among us be rendered agreeable by the esteem of your country— The evening of Your days calm and serene; & may Your useful life be prolonged as a blessing & protection to the rising greatness of our Territory.

JAMES NOBLE Speaker H. R.

8th December 1813. [*]

After his Excellency had heard the address, he replied as follows.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

Your answer to my communication is in a peculiar manner expressive and approbative of my past conduct in the service of my country.— Be assured I receive it as a mark expressive of sincerity, and at the same time confess that it is grateful to my feelings when assured that I stand not only well with my country, but also have a share in Your estimation.— It affords me much pleasure to find that You accord with me in my sentiments relative to the situation of our common country at the present awful crisis, and that you also discover a readiness to enter upon the various subjects recommended to You, in the course of Your deliberations.

You will please to accept of my sincere regard and respect for your present and future prosperity and happiness.

TH. POSEY

On motion of Mr. Brown ordered that a committee be appointed to enquire into the expediency of passing a[*] Law the more effectually to prohibit the introduction of Negroes, mulattoes

and Slaves into the Indiana Territory; and that Messrs Dunn, Douthitt & Brown be that committee.

The Speaker laid before the House the Auditors report.[18]

On motion Ordered that the report of the Auditor be referred to the same committee, to whom was referred the Treasurer's report, with leave to report thereon.

On motion Ordered that the House adjourn until to morrow morning 9 O'clock,

And the House adjourned according.

Thursday morning 9 O'clock, 9th december 1813.

The House met pursuant to adjournment.

On motion of Mr. Pennington Whereas it is the opinion of this Legislature that the office of Attorney General, from the duties required from that office, ought to be kept distinctly from and independent of the fiscal office of the Territory, Therefore resolved that a committee be appointed to enquire into the propriety of passing a Law keeping said[*] offices seperate, and making the holding the one incompatible with that of the other; And that Messrs Pennington, McClure, and Montgomery be that committee[19]

Mr. McClure presented the petition of Elizabeth Green praying a divorce from her husband Jonah Green referred to a select committee. Ordered that Messrs Pennington, McClure and Brown be that committee—

On motion of Mr. Dunn Ordered that the Auditor be requested to lay before the committee appointed to examine the Treasurer's and Auditor's reports at this session of the Legislature, a full statement of all monies standing out and due to the Terri-

[18] Davis Floyd had been appointed auditor in June, 1813.

[19] This move (which did not get beyond second reading) was aimed at General Washington Johnston who served as attorney general from 1811 until his resignation on January 14, 1814. His letter of resignation is in the English Collection, Indiana Historical Society Library. He also served as territorial treasurer from May 29, 1813, to February 1, 1814. The salary and consequently the office of attorney general was abolished by this Assembly in the act "regulating the admission and practice of attornies and counsellors at law, and for other purposes." Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 449-50.

tory, and in whose hands and that he date his report; And that the door keeper serve the Auditor with a copy of this resolution attested by the Clerk.

On motion of Mr. Robb Ordered that the resolutions of the committee of the whole relative to the ranging companies of Captains Hargrove and Peyton be referred to a select committee; and that Messrs Hendricks, Robb and Dunn be that committee.

On motion of Mr. Hendricks Ordered that the engrossed[*] bill respecting the divorce of David Barker be read the third time; and it was read accordingly.— Question, Shall this bill pass? determined in the affirmative.—

On motion of Mr. Pennington Ordered that this act be entitled "an Act to dissolve the marriage contract of David Barker, with Paulina his wife."

On motion of Mr. Hendricks. Ordered that a committee be appointed to enquire into the expediency of a Law furnishing forms of process, recognizances, bail bonds &c, for Justices of the peace and constables; also whether any, and if any what alterations are necessary to be made in the Laws regulating the fees of those officers; and that they report by bill or otherwise.

Ordered that a committee be appointed to report whether any, and if any what alterations are necessary to be made in the Law respecting the costs of continuances of Causes in the several courts within the Territory; & that they report thereon by bill or otherwise; And that Messrs McClure, Hendricks Pennington and Dunn be that committee—[*]

Ordered that a committee be appointed to examine into the Laws directing the mode of changing the venue, and to report by bill or otherwise; and That Messrs McClure Hendricks Pennington and Dunn be that committee.

Mr. Robb presented certain papers respecting Mr. Hargrove and on motion

Ordered that the said papers be referred to the committee to whom was referred the resolutions adopted by the committee of the whole, relative to the two companies of rangers raised by Captain Peyton and the said Captain Hargrove.

On motion of Mr. Dunn.

Whereas it is necessary in all free governments that the constituents of every Representative should be informed of his act, vote &c, that they be enabled to Judge of his qualifications and usefulness— And whereas it has been offerred by William Hendricks, one of the Editors of the Western Eagle[20]— a paper published in Madison, I. Ty., to print the Journals of the Legislative Council & House of Representatives in the columns of his paper, free of all expence (postage excepted) and from the extensive circulation of the Western Eagle, our Journals will reach every quarter of our Territory. In order more fully to carry this order into effect & have[*] an amicable understanding between the Legislative Council & House of Representatives.

Be it therefore resolved by the Legislative Council & House of Representatives, that when a Law is passed at the present session making specific appropriations for the present Year, an allowance shall be made the Editors of the Western Eagle for all postage in transmitting the Journals to Madison I. T.—

Ordered that the Clerk inform the Legislative Council thereof & request their concurrence.

Mr. Hendricks from the committee appointed for that purpose, reported a bill authorising the Judges of the courts of common pleas to hold special courts for the purpose therein named—which bill was read the first time, and on motion the said bill was ordered to be read a second time to morrow.

The speaker laid before the House the petition of Robert A New and others.

On motion of Mr. Pennington Ordered that said petition be referred to a select committee, and that Messrs Hendrick, Pennington and Douthitt be that committee.—[*]

[20] The first issue of the Madison *Western Eagle* appeared on May 26, 1813. The editors were William Hendricks and Seth M. Levenworth. This partnership was dissolved in September and William Camron joined Hendricks in publishing the paper. As noted previously (*ante,* 595n), the surviving files of the paper are incomplete, but apparently the complete journals of both houses were published beginning with the issue of December 17, 1813, and running through April 1, 1814. Hendricks severed his relations with the paper in April. Photostats in Indiana State Library from the original papers in the American Antiquarian Society, Worcester, Massachusetts.

On motion of Mr. Robb—Ordered that the bill appointing commissioners to fix the seats of Justice in the counties of Gibson & Warrick be read the second time, and committed to a committee of the whole House to morrow.

On motion the House resolved itself into a committee of the whole on the bill for the releif of David Hillis; & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Montgomery reported that the committee had according to order considered said bill, had made some amendments thereto, & requested the concurrence of the House— And the House concurred accordingly.

Ordered that said bill be engrossed and read a third time to morrow.

On motion of Mr. Pennington Ordered that the bill for the releif of those who leased school sections be read the second time— Referred to a committee of the whole, and made the order of the day for to morrow.

On motion Ordered that the House adjourn 'till to morrow morning 9 O'clock, & the House adjourned accordingly.—[*]

Friday morning 10th December 1813.

The House met pursuant to adjournment.

Mr. Dunn from the committee to whom was referred the petition of John Vawter, reported a resolution for his releif which was twice read and committed to a committee of the whole House to morrow.

Mr. Robb from the committee to whom was referred the petition of Messrs Hogan and Neely reported a bill for their benefit, which was read the first time, and on motion of Mr. Montgomery, the said bill was read a second time, & committed to a committee of the whole House to morrow.

Mr. Hendricks asked and obtained leave to bring in a bill regulating the Town of Brookville, which was read the first time, and on motion, the said bill was read the second time and committed to a committee of the whole House to morrow.

Mr. Dunn from the committee appointed to examine & compare the resolutions of Mr. Robb relative to the situation of the companies of Captains Peyton and Hargrove also the documents

of Captain Hargrove, made a report, which was read & concurred in by the House, as follows

The committee deeply impressed with the extreme[*] hardness of the situation of these companies and of the great propriety of memorializing Congress in their behalf, and that a committee be appointed to wait on the Governor & serve him with a copy of the resolutions introduced by Mr. Robb.

Mr. Pennington presented the petition of Peirce Chamberlin and others praying a Law permitting persons in certain cases to substantiate their accounts in courts of Justice by their own oaths. A motion was then made that the said petition be referred to a select committee; and the question being taken, It was decided in the negative.

On motion of Mr. Montgomery the House resolved itself into a committee of the whole on the bill for erecting a bridge across patoka river, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Hendricks reported that the committee had, according to order, had the said bill under consideration, and made amendments thereto, which he delivered in at the Clerks Table, where they were again read and concurred in by the House.

Ordered that the said bill be engrossed & read a third time to morrow.

On motion of Mr. Dunn Ordered that a committee be appointed to enquire into the propriety of amending the[*] act entitled "An Act concerning Indictments & Presentments," with leave to report by bill or otherwise; and that Messrs Dunn and McClure be that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The Legislative Council have passed a bill the more effectually to suppress the practice of duelling, in which bill they desire the concurrence of this House.

The said bill was read the first time; and on motion the said bill was read the second time, & committed to a committee of the whole House to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, I am directed by the Legislative Council to inform this House that they have passed a resolution making it

necessary for the Secretary of the Territory to keep his office at the seat of Government, at Corydon, in the county of Harrison; To which they require the concurrence of this House.[21]

Which resolution was read the first time; and on motion, the said resolution was read a second time, and committed to a committee of the whole House to day.—[*]

The House resolved itself itself into a committee of the whole on the said resolution, & after some time spent therein Mr. Speaker resumed the chair, and Mr. Pennington reported, that the committee had, according to order, had the said resolution under consideration, & made some progress therein, & desired leave to sit again.

Ordered that the committee of the whole have leave to sit again on said resolution.

The House resolved itself into a committee of the whole, on the bill appointing commissioners to fix the seats of Justice in the counties of Gibson & Warrick, and after some time spent therein, Mr. Speaker resumed the chair and Mr. McClure reported that the committee had, according to order, had the said bill under consideration, and made amendments to the same, which he delivered in at the Clerks Table, where they were again read, and concurred in by the House.

Ordered that the said bill be engrossed, and read a third time to morrow.—

On motion of Mr. Douthitt Ordered that a select committee be appointed to enquire into the expediency of passing a Law to exempt the pilots at Jeffersonville from militia duty,[*] working on public highways, and serving as Jurors, with leave to report

[21] This resolution was rejected by the House, *post,* 628-29. Following the passage of the act removing the seat of government to Corydon, Gibson wrote the Secretary of War that he would take up his residence at Jeffersonville where he would maintain his office. A joint resolution supplementary to the removal act permitted the Governor and Secretary to reside wherever they chose within the Territory. Esarey (ed.), *Messages and Letters,* 2:408; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 339. A second resolution respecting the removal of the Secretary's office to the seat of government, which originated in the House, was passed by both houses, and was declared enrolled, but apparently did not receive the Governor's signature, since it does not appear among the session laws. *Post,* 676, 681, 682, 687. See also *post,* 734-35.

by bill or otherwise. And that Messrs Douthitt and McClure be that committee.

On motion, Ordered that the House adjourn untill to morrow morning 9 O'Clock and the House adjourned accordingly.

Saturday morning—11th December 1813.

The House met pursuant to adjournment.

An engrossed bill for the releif of David Hillis was read a third time, and passed.—

Ordered that the Title be "An act [MS. blank]

An engrossed bill for fixing the seats of Justice in the counties of Gibson and Warrick was read a third time, and passed.

Ordered that the Title be "An act appointing commissioners to fix the seats of Justice in the counties of Gibson & Warrick." And that the clerk to carry the said bills to the Legislative Council, and desire their concurrence therein.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, the Legislative Council have[*] concurred in the joint resolution as to printing the Journals of the Legislature during the present session.

An engrossed bill for the releif of Edmond Hogan and Thomas Neely was read the third time, And on the question, that the said bill do pass? It passed in the affirmative Yeas 6 Nays 3 The Yeas and Nays being demanded by a member present. Those who voted in the Affirmative are Mr. Douthitt Dunn Hendricks Mr. Montgomery Pennington Noble Those who voted in the negative, are Mr. Brown McClure Robb

Ordered that the Title be "An Act for the benefit of Edmond Hogan and Thomas Neely" And that the Clerk do carry the said bill to the Legislative Council, and desire their concurrence therein.

Ordered that the bill authorizing the Judges of the court of common pleas to hold special courts in certain cases be read a second time now, and it was read accordingly[*] and committed to a committee of the whole House on monday next.

The House resolved itself into a committee of the whole on the bill for the releif of those who leased lands for the use of Schools, and after some time spent therein Mr. Speaker resumed

the chair, and Mr. Brown reported, that the committee had, according to order, had the said bill under consideration, and made amendments thereto, which he delivered in at the Clerks table, where it was again read, and concurred in by the House. The House resolved itself into a committee of the whole on the bill from the Legislative Council more effectually to prevent the practice of duelling and after some time spent therein Mr. Speaker resumed the chair, and Mr. Robb reported that the committee had, according to order, had the said bill under consideration and made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again.

Ordered that the committee of the whole House have leave to sit again on the said bill.

Mr. Pennington from the committee appointed to examine the several laws in force in this Territory concerning counsellors and attorneys at Law, reported a bill to[*] amend the act respecting the admission & practice of Attornies & counsellors at Law, which was read the first time, and on motion the said bill was read the second time and committed to a committee of the whole House on monday next.

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker, The Legislative Council have passed the bill To dissolve the marriage of David Barker with Paulina his wife.

Mr. Dunn from the committee appointed to wait on the Governor and deliver to him a copy of the resolutions introduced by Mr. Robb relative to the companies of Messrs Hargrove and Peyton, reported His Excellency's cordial approbation of their contents, with every assurance that all the information in his possession should as soon as possible be communicated.

The House resolved itself into a committee of the whole on the bill regulating the Town of Brookville, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Montgomery reported, that the committee had, according to order, had the said bill under consideration & made amendments to the same, which he delivered in at the Clerks table, where they were again read and concurred in by the House.

Ordered that the said bill be engrossed and read a third time on monday next.

Mr. Dunn asked and obtained leave to introduce a bill[*] in amendment to an act respecting Ejectments, Distress for rent, and Tenants at will holding over, which was read the first time, and on motion, the said bill was read the second time, and committed to a committee of the whole House on Tuesday next.

The House resolved itself into a committee of the whole on the resolution reported by the committee for the releif of John Vawter, and after some time spent therein Mr. Speaker resumed the Chair, and Mr. McClure reported that the committee had, according to order, had the said resolution [under consideration] & made some progress therein, and directed him to ask leave to sit again.

Ordered that the committee of the whole House have leave to sit again on the said resolution.

Mr. Brown from the committee appointed to examine & bring in the unfinished business of last session, reported a bill regulating elections[22]—Also a bill reorganizing courts of Justice[23]—Also a

[22] No further action on this bill is recorded. A second bill on this subject was introduced (*post,* 664) and passed.

[23] This bill, which was passed and approved December 31, completely disrupted the judicial system of the Territory for many months and forced Governor Posey to summon the legislature in August 1814, to remedy the situation. See his message to the Assembly, *post,* 756-57. The bill abolished the courts of common pleas and circuits courts in the Territory and transferred their powers and duties to circuit courts to be presided over by one of the three judges of the General Court, with the provision that all county business heretofore performed by the judges of the common pleas would fall to associate judges of the circuit courts. The associate judges were to be appointed by the Governor, three for each county in the circuit. Appeals were to be made from the judgments of the justices of the peace to the circuit courts and from the circuit courts to the General Court. Courts were to be held in each county three times a year. The General Court was to hold one session annually in the territorial capital. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 474-81. Since this bill placed certain duties on the judges of the General Court who were appointed by the Federal government, the Assembly memorialized Congress to pass an act making it the duty of these judges "to submit to, & perform those judicial services which this Legislature have marked out, or may hereafter prescribe for them." See *post,* 661, 688. The complete memorial is printed in *ibid.,* 801-2. It was hoped that the caliber of the

bill concerning Counsellors & Attornies at Law—which bills were committed to the committees on similar subjects.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker. The Legislative Counci![*] have passed a bill authorizing persons to recover money back in cetain cases and for other purposes, in which they desire the concurrence of this House.

Mr. Robb asked and obtained leave to bring in a bill to prevent malicious prosecutions, which was read the first time, and on motion

Ordered that the said bill be read a second time on monday next.

judiciary of the Territory would be raised by the new system without increasing the financial burden of the Territory. The memorial was read in both the U. S. Senate and House on January 24, 1814. *Annals of Congress,* 13 Congress, 2 session, 599, 1123. A bill was introduced into the House defining more explicitly the duties of the General Court in Indiana, but did not reach third reading. *Ibid.,* 1244, 1865, 1877, 1961, 2002.

Jennings, reporting on the matter to his constituents, said, "Congress refused to pass the bill requiring the judges of the general court to perform the duties assigned to them by the late organization of the judicial system of the territory. I made use of considerable exertion to prove the ill effects which would arise if the bill should be rejected, and the beneficial effects that would flow from its passage into a law; but the opposition that was made to it, on the ground, as was alledged, of the act of the territory being unconstitutional, defeated it by a large majority." Esarey (ed.), *Messages and Letters,* 3:30.

Judge Parke, of the General Court, regarded the act of the Assembly as illegal and gave his opinion in a letter to Governor Posey, February 7, 1814: "As the judges [of the General Court] derive their jurisdiction and power from the government of the United States, they cannot be controuled in the exercise of their functions by persons deriving their authority from the government of the territory. . . . The legislature have organized certain courts, and designated me to perform certain duties; but the law constituting the one, and directing the other is unconstitutional; and as I can derive no authority from it, it imposes no obligation —I shall therefore not hold the courts for the first circuit." The letter is printed in the Vincennes *Western Sun,* February 12, 1814.

The inevitable result was that the judiciary of the Territory was thrown into complete confusion. Courts were not held in some counties. In others only the associate judges were present, no presiding judge appearing. No regular session of the General Court was held in 1814. Leander J. Monks, Logan Esarey, Ernest V. Shockley (eds.), *Courts and Lawyers of Indiana* (3 vols. Indianapolis, 1916), 1:47-49; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 65-66, and note.

On motion of Mr. Robb Ordered that a committee be appointed to enquire into the expediency of amending the Law respecting the duties of Sheriffs, and for other purposes, with leave to report by bill or otherwise; and that Messrs Douthitt & Brown be that committee.—

And then the House adjourned 'till monday morning 9 O'Clock.—

Monday morning 13th December 1813—

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the state of the Territory, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Dunn reported that the committee had, according to order, had the state of the Territory under consideration & have agreed to a[*] memorial to congress praying compensation for the companies of Militia referred to in said memorial, and all others that have performed duty previous to last winter—which he delivered in at the Clerks Table, where it was again read, & When Mr. Robb moved that the said memorial be amended by inserting after the word to, in the third line from the bottom of the last page, these words, "together with such as were called to march for the releif of fort Harrison."

The question was then taken. Will the House concur in the amendments? It was determined in the negative Yeas 4 Nays 5 The Yeas and Nays being demanded by a member present. Those who voted in the affirmative are, Messrs Dunn, McClure, Montgomery, Robb. Those who voted in the negative are Messrs Brown, Douthitt, Hendricks, Pennington, Noble—Speaker.

The House concurred in the report of the committee of the whole.—[24]

[24] The memorial is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 797-98. It was presented to the U. S. House on December 29, 1813, and referred to the committee on militia. *Annals of Congress,* 13 Congress, 2 session, 813. The report of the committee, read in the House on February 24, 1814, and accompanying documents, are printed in Carter (ed.), *Territorial Papers,* 8:285-92. These documents plus a letter of Jennings to the Paymaster General, of March 15, 1814, supporting the prayer of the memorial, were printed in the Vincennes *Western Sun,* April 16, 1814. The committee report resolved "that legislative provision is not necessary on the subject of the said memorial." See Jennings to

Mr Hendricks from the joint committee for enrolled bills, reported that the committee had examined an enrolled bill to dissolve the marriage of David Barker with Paulina his wife—Also an enrolled bill appointing commissioners to fix the seats of Justice in the counties of Gibson & Warrick, and had found the said bills to be truly enrolled.[*] When, the Speaker signed the said bills—

Ordered that the Clerk do acquaint the Legislative Council therewith.

Mr. Hendricks presented the petition of Henry Hurst Esquire, Clerk of the General Court, praying an appropriation of a sufficient sum of money to purchase a plain press to deposit the papers belonging to the different suits in the General Court.

Ordered that the said petition be referred to a select committee, and that Messrs Dunn and Robb be that committee.

On motion of Mr. Hendricks, Ordered that a committee be appointed to enquire whether any, and if any, what alterations are necessary in the Law, to reduce into one the several acts establishing a permanent revinue. And that Messrs Robb, Hendricks & Dunn be that committee.

An engrossed bill regulating the Town of Brookville, was read a third time, and passed.

Ordered that the Title be "An act regulating the Town of Brookville."—& that the Clerk do carry the said bill to the Legislative Council, and desire their concurrence therein.

The bill from the Legislative Council authorizing persons[*] to recover money back in certain cases, and for other purposes, was read the first time; And on motion, the said bill was read the second time; And committed to a committee of the whole House to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The President of the Legislative Council has signed the bill, to dissolve the marriage contract of

the Editor of the *Western Sun,* February 5, 1816, in which he informed those who had served in the militia that their services would be recognized and that they would be paid as soon as practicable. *Western Sun*, March 2, 1816, printed also in Dorothy Riker (ed.), *Unedited Letters of Jonathan Jennings* (Indiana Historical Society *Publications,* vol. 10, Indianapolis, 1932), 211.

David Barker with Paulina his wife. Also the bill appointing commissioners to fix the seats of Justice in the counties of Gibson and Warrick.—The Legislative Council have passed the bill for the benefit of Edmond Hogan and Thomas Neely with an amendment, in which they require the concurrence of this House.

The amendment to the bill last mentioned was read & concurred in by the House.

The House resolved itself into a committee of the whole on the bill authorizing the Judges of the Courts of Common pleas to hold special courts in certain cases, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Douthitt reported that the committee had, according to order, had the said bill under consideration, & made amendments thereto, which were again read at the Clerks Table [*] and concurred in by the House.

Ordered that the said bill be engrossed and read a third time to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have passed the bill for the releif of David Hillis.

The House resolved itself into a committee of the whole on the bill from the Legislative Council, to suppress the practice of Duelling, and after some time spent therein Mr. Speaker resumed the chair and Mr. Brown reported, That the committee had, according to order, had the said bill under consideration, and made amendments thereto, which were again read at the Clerks table, & concurred in by the House. The said bill was read a third time, & passed as amended.

Ordered, that the Clerk do acquaint the Legislative Council therewith, & desire their concurrence in said amendments.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have concured in the memorial to Congress on the subject of certain companies of Militia.

The House resolved itself into a committee of the whole[*] on the bill respecting the admission and practice of Attornies and counsellors at Law, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Robb reported, that the committee

had, according to order, had the said bill under consideration, and made amendments thereto, which were again read at the Clerks table, and concurred in by the House.

Ordered, That the said bill be engrossed & read a third time to morrow.

Mr. Pennington from the committee to whom was referred the petition of Robert A New and others reported that the committee have had the same under consideration & are of opinion that the object of the petitioner is not within the reach of the Legislature, and that they have no authority to legislate on the same, which report was read & concurred in by the House.

Mr. Robb presented the petition of the courts of Common pleas Sheriff and clerk of Warrick county praying that the proceedings of the court of common pleas of said county held at the House of Hugh McGary—be legalized & that the place of holding the court of common pleas for said county may hereafter be at the said house of Hugh McGary.

Mr. Robb also presented the petition of the said Sheriff of said[*] County of Warrick, praying further time 'till the first day of April next to make out his list of delinquents and pay of county orders.

Ordered that said petitions be referred to a select committee, and that Messrs Robb, McClure & Brown be that committee.

Mr. Pennington from the committee to whom was referred the petition of Elizabeth Green praying to be divorced from her husband Jonah Green, reported a bill to dissolve the marriage contract between the said Elizabeth and Jonah, which bill was read the first time, and on motion

Ordered That the said bill be read a second time to morrow.

And then the House adjourned untill to morrow morning 9 O'Clock.

Tuesday morning 14th December 1813.

The House met pursuant to adjournment.

Mr. McClure laid before the House the proposals of Smoot & Fraquar for printing the Laws.

The bill to prevent malicious prosecutions was read the second time.

Ordered that said bill be referred to a committee of the whole House to morrow.—[*]

The House resolved itself into a committee of the whole on the joint resolution respecting the Secretary's [office], & after some time spent therein, Mr. Speaker resumed the chair and Mr. Pennington reported that the Committee had, according to order, had the said resolution under consideration, had made some progress therein, & desired leave to sit again.

Ordered That the committee of the whole House have leave to sit again.

Mr. Hendricks from the joint committee for enrolled bills, reported that the committee had examined triplicate memorials of the Legislature of the Indiana Territory to Congress on the subject of certain militia companies, and had found the said memorials truly enrolled; When The Speaker signed the said memorials.

Ordered That the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill respecting Ejectments, distress for rent and tenants at will holding over, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. McClure reported that the committee had, according to order, had the said bill under consideration & made no amendment thereto.[*]

Ordered that the said bill be engrossed & read a third time to day

The said bill was accordingly engrossed, read a third time and passed.

Ordered That the Title be an act to amend the act entitled an act as to proceedings in Ejectments, distress for rent, and tenants at will holding over.

And that the Clerk do carry the said bill to the Legislative Council and desire their concurrence therein

Mr. Montgomery from the committee appointed to enquire into the propriety of having the offices of Attorney General and Territorial treasurer kept seperate & distinct, reported a bill to prevent the said offices being both held by the same person. Which bill

was read the first time, and on motion ordered that the said bill be read a second time to morrow.

An engrossed bill authorizing the Judges of the courts of common pleas to hold special courts in certain cases, was read the third time and passed.

Ordered that the Title be "An act authorizing the Judges of the courts of common pleas to hold special courts for the purposes therein named."

And that the Clerk[*] do carry the said bill to the Legislative Council & desire their concurrence therein.

An engrossed bill concerning Attornies and Counsellors at Law was read the third time and passed.

Ordered that the title be "An act to amend the act entitled an act to amend an act regulating the admission and practice of Attornies & counsellors at Law, & for other purposes," and that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.

The House resolved itself into a committee of the whole on the resolution of the select committee, concerning the petition of John Vawter, and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Douthitt reported, that the committee had, according to order, had the said resolution under consideration, and made some amendments thereto, which were again read and concurred in by the House.

Ordered that the said resolution be engrossed & read a third time to morrow.

Mr. Brown from the committee appointed to examine the Laws respecting the introduction of Negroes or Mulattoes, reported a bill to prohibit the introduction[*] of slaves, negroes, or mulattoes into the Indiana Territory; which was read the first time—and on motion Ordered that the said bill be read a second time to morrow.

The Bill to dissolve the marriage of Elizabeth Green with Jonah Green her husband was read the second time, and committed to a committee of the whole House to morrow.

Mr. Brown from the committee appointed to examine the Laws regulating the duties of Sheriffs, reported a bill on the

subject, which was read the first time; and on motion, the said bill was ordered to be read a second time to morrow.

The House resolved itself into a committee of the whole on the bill from the Legislative Council to enable persons to recover money back in certain cases and for other purposes, and after some time spent therein Mr. Brown reported that the committee had, according to order, had the said bill under consideration, and made some progress therein, & desired leave to sit again.

Ordered that the committee of the whole House have leave to sit again on the said bill.[*]

A message from the Governor by Mr. Prather his private secretary[25] notifying that the Governor did this day approve and sign an act appointing Commissioners to fix the seats of Justice in the counties of Gibson and Warrick—and an act to dissolve the marriage of David Barker with Paulina his wife.

Ordered that the Clerk do acquaint the Legislative Council therewith.

Mr. Robb from the committee appointed for the purpose, reported a bill legalizing the proceedings of the courts of common pleas of Warrick County, and changing the place of holding said courts, which bill was read the first time, and on motion the said bill was ordered to be read a second time on thursday next.

Mr. Dunn from the committee to whom was referred the petition of Henry Hurst Esqr. reported that a complyance with the prayer of said petitioner would be without precedent, & incompatible with the interest of the Territory because the allowances already made by Law, to the Clerks of the several courts within this Territory are exorbitant & Your committee are of opinion the Petitioner as well[*] as other Clerks, is in duty bound to keep the papers in his office in good order, or abide the consequence.—In which report the House concurred.—

Mr. Douthitt from the committee appointed to examine into the expediency of the passage of a Law exempting pilots from

[25] Basil Prather, a North Carolinian, who came to Clark County shortly after 1800. Posey appointed him clerk of the new county of Washington on September 14, 1814, and recorder three days later. Territorial *Executive Journal,* 220, 221.

certain duties, reported a bill exempting the pilots at Jeffersonville and their successors in office from militia duty, working on public highways & serving as Jurors, which bill was read the first time; and on motion ordered that the said bill be read a second time to morrow.

Mr. Robb presented a variety of petitions for & against the formation of a new county from the counties of Gibson and Warrick—

Ordered that said petitions be referred to a select committee, & that Messrs Robb, Montgomery, & McClure be that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have disagreed to the amendments made by the House of Representatives to the bill more effectually to prevent the practice of dueling, and[*] desire a committee of conferrence & have appointed Mr. Johnson on their part a committee for that purpose.

On motion of Mr. Pennington, Ordered that a committee of conferrence be appointed, and that Mr. Dunn be that committee.

Ordered that the Clerk do acquaint the Legislative Council therewith.

On motion of Mr. Pennington The bill respecting the Lessees of certain sections of land, reserved for the use of schools, was engrossed & read a third time. On the question shall this bill pass? It was decided in the negative.

And then the House adjourned 'till to morrow morning 9 O'clock.

Wednesday morning 9 O'clock 15th December 1813—

The House met pursuant to adjournment.

Mr. Hendricks from the joint committee for enrolled bills reported that the committee[*] had examined an enrolled bill for the benefit of Edmond Hogan and Thomas Neely—Also a bill for the releif of David Hillis—And had found the said bills truly enrolled. When—The Speaker signed the said bills.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill to prevent malicious prosecutions, & after some time spent

therein, Mr. Speaker resumed the chair & Mr. Montgomery reported that the committee had, according to order, had the said bill under consideration, had made some amendments thereto, which were again read at the clerks table and concurred in by the House.

Ordered that the said bill be engrossed & read the third time to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have entered into a joint resolution, That a committee be appointed to examine the papers and books of the offices of the Auditor and Treasurer of the Territory and that the said committee report the situation of the accounts as kept in the said offices and such other circumstances as the said committee may deem proper to report;[*] and thereupon Messrs Johnson & Wilson were appointed that committee.

Ordered that Messrs Dunn, Hendricks & Robb be the committee for that purpose, on the part of the House of Representatives—& that the Clerk do acquaint the Legislative Council therewith.

The bill more effectually to prevent the introduction of Slaves, Negroes, or Mulattoes, into the Indiana Territory was read a second time.

Ordered that said bill be committed to a committee of the whole House to morrow.

The House resolved itself into a committee of the whole on the bill dissolving the marriage of Elizabeth Green with Jonah Green her husband, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Dunn reported that the committee had, according to order, had the said bill under consideration, and made some amendments to the same, which were again read at the Clerks table & concurred in by the House.

A motion was then made that the said bill be engrossed for a third reading, and the question being taken, It was decided in the negative.[26]

[26] A bill from the Council granting a divorce to Elizabeth and Jonah Green was passed by the House and became a law. *Post,* 664, and Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 472-73.

A message from the Legislative Council by Mr. Sullivan[*] their Secretary—Mr. Speaker, The president of the Legislative council has signed an enrolled bill for the benefit of Messrs Hogan and Neely—Also an enrolled bill for the releif of David Hillis. The Legislative Council have passed a bill granting appeals in certain cases—Also a bill concerning the inspection of flour, beef and pork—The first mentioned bill from the Legislative Council was read the first time, and on motion Ordered that the said bill be read a second time to morrow.—The second mentioned bill from the Legislative Council as to the inspection of flour, beef & pork, was read the first time, and on motion the said bill was read the second time & committed to a committee of the whole House this afternoon.

The House resolved itself into a committee of the whole on the joint resolution of both Houses respecting the Secretary's office being removed to the seat of Government in Corydon, county of Harrison, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. McClure reported, that the committee had, according to order, had the said resolution under consideration & made an amendment, in which they desire the concurrence of the House.

On the question, Will the House concur in the report of[*] the committee? It was decided in the affirmative. Yeas 7 Nays 2 The Yeas and nays being demanded by a member present. Those who voted in the Affirmative are Messrs Brown, Dunn, Douthitt, Hendricks, McClure, Montgomery, Noble—Speaker. Those who voted in the negative are, Messrs Pennington and Robb.

A motion was then made by Mr. Robb to amend the resolution so as to make it incumbent on the secretary of the Territory to keep his office at the seat of government, let that be where it may. On the question Will the House agree to the amendment? It was decided in the negative. Yeas 3 Nays 6 The Yeas and nays being demanded by a member present. Those who voted in the affirmative are—Messrs McClure, Pennington and Robb.—Those who voted in the negative are Messrs Brown, Dunn, Douthitt, Hendricks, Montgomery, Noble—Speaker.

The said resolution as amended in the committee of the whole

was then read a third time and on the question, shall this resolution pass?[*] It was decided in the negative.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The bill regulating the duties of Sheriffs was read a second time and committed to a committee of the whole House to morrow.

The bill respecting the offices of Attorney General and Territorial Treasurer was read the second time.

Ordered that the said bill be committed to a committee of the whole House to morrow.

An engrossed resolution for the releif of John Vawter was read the third time and passed.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The bill respecting the exemption of the pilots at Jeffersonville from certain duties was read the second time and committed to a committee of the whole House to morrow.

Mr. Brown asked and obtained leave to bring in a bill to render the practice in courts more easy and plain, which was read the first time and on motion

Ordered that the said bill be read a second time to morrow.

Mr. Dunn asked and obtained leave to bring in a bill amending[*] the act supplementary to the several acts regulating public highways, which was read the first time. And on motion

Ordered that the said bill be read a second time to morrow.

Mr. Hendricks from the committee appointed to examine if any alterations were necessary in the laws respecting the change of venue, reported a bill directing the mode of changing the venue, which was read the first time and on motion

Ordered that the said bill be read a second time to morrow.

And then the House adjourned 'till half past two O'Clock this Afternoon.

Wednesday afternoon 15th December 1813.

The House resolved itself into a committee of the whole on the bill from the Legislative Council to amend the act regulating the inspection of flour, beef and pork, and after some time spent

therein, Mr. Speaker resumed the chair & Mr. McClure reported that the committee had, according to order, had the said bill under consideration, had made some amendments to the same, which were again read at the Clerks table and concurred in by the House.—On motion the said bill was read a third time & passed. Ordered that the Clerk do inform the Legislative Council[*] thereof.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Thursday morning 9 O'Clock 16th December 1813—

The House met pursuant to adjournment.

Mr. Brown from the committee appointed to examine & bring in the unfinished business of last session, reported a bill on the subject of small causes; which bill was committed to a committee of the whole House to morrow.

An engrossed bill to prevent malicious prosecutions was read a third time and passed.

Ordered that the Title be an act to prevent malicious prosecutions.—

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill to prevent the introduction of Slaves, Negroes & mulattoes into the Indiana Territory, and after some time spent therein Mr. Speaker resumed the chair and Mr. Brown reported that the committee had, according to order, had the said bill under consideration, and made some progress therein, but not having time to go through the same, had desired him to ask leave to sit again.

Ordered that the committee of the whole House have leave to sit again on the said bill.—[*]

A message from the Legislative Council by Mr. Sullivan their Secretary.—Mr. Speaker—The Legislative Council have concurred in the amendments proposed by this House to the bill amending the act regulating the inspection of Flour, beef and pork.—They have also concurred in the report of the committee

of conferrence respecting the amendments made by this House to the bill from the Legislative Council more effectually to prevent the practice of duelling.

Mr. Dunn from the committee of conferrence respecting the amendments proposed by this House to the bill more effectually to prevent the practice of duelling, reported, that they had receded from those amendments. In which report the House concurred.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The bill directing the mode of changing the venue was read the second time, and committed to a committee of the whole House to morrow.

The bill to amend the act supplementary to the several acts regulating public highways was read the second time, and committed to a committee of the whole House to morrow.

The House resolved itself into a committee of the whole on the bill to exempt the pilots at Jeffersonville from[*] certain duties, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Montgomery reported that the committee had, according to order, had the said bill under consideration & made amendments to the same which were again read at the Clerks table, and concurred in by the House.

Ordered that the said bill be engrossed and read a third time now, & it was read accordingly and passed.

Ordered that the title be "an act to amend the act authorizing the appointment of a pilot."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.—

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The Legislative Council have passed an act requiring the Clerks of the courts of common pleas to make out an account current of the debts due by & to the county, which was read the first time; and on motion the said bill was read the second time & committed to a committee of the whole House on Saturday next.

The bill to render the practice in courts more easy & plain was read the second time, & committed to a committee of the whole House to morrow.

A message from the Governor by Mr. Prather his private[*] Secretary, informing this House that he did on Yesterday approve and sign triplicate memorials from the Legislature to Congress respecting certain militia companies—Also on this day that he approved & signed An act for the releif of David Hillis—Also an act for the benefit of Messrs Hogan and Neely.—

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill regulating the duties of Sheriffs, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Douthitt reported, that the committee had, according to order, had the said bill under consideration, & made amendments to the same, which were again read at the Clerks table, and concurred in by the House.

Ordered that the said bill be engrossed, and read a third time to morrow.

The consideration by a committee of the whole House, of the bill respecting the offices of Attorney General & Territorial Treasurer was postponed untill to morrow.—

On motion of Mr. Pennington Ordered that a select committee be appointed to examine the Laws now in force in this Territory respecting crimes and punishments, to see if any, & if any what amendments are necessary, with leave to report by bill or otherwise, and that Messrs[*] Douthitt, Montgomery and Dunn be that committee.—

Mr. Pennington asked and obtained leave to bring in a bill regulating the disposition of water crafts found going adrift, and of estray animals; which was read the first time, and on motion, Ordered that the said bill be read a second time to morrow.

Mr. Robb from the committee appointed to examine the petitions for & against a new county, from the counties of Gibson & Warrick, reported, that although there may be at a future day some propriety & justice in a division somewhat similar to that which is prayed for by the petitioners; Yet Your committee con-

ceive that the population & circumstances of those counties will not justify any division whatever at present.—In which report the House concurred.

A message from the Legislative Council by Mr. Sullivan their Secretary; Mr. Speaker—The Legislative Council have passed a bill for the formation of a new county from the counties of Harrison and Clark, to be called the county of Washington—Also a bill authorizing the collector of taxes to make deeds in certain cases.—[*]

The said first mentioned bill from the Legislative Council respecting the county to be formed from Harrison and Clarke, was read the first time, and on motion, the said bill was read the second time, & committed to a committee of the whole House to morrow.—

The second mentioned bill from the Legislative Council authorizing the collector of taxes to make deeds in certain cases was read the first time, and on motion, the said bill was read the second time, and committed to a committee of the whole House on Saturday next.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Friday morning 9 O'Clock 17th December 1813.

The House met pursuant to adjournment.

The bill regulating the duties of Sheriffs was read the third time & passed.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The bill legalizing the proceedings & changing the place of holding the courts in the county of Warrick was read the second time and committed to a committee of the whole House to morrow.

Mr. Hendricks from the committee for enrolled bills[*] reported that the committee had examined an enrolled bill more effectually to prevent the practice of duelling—Also an enrolled bill regulating the inspection of flour beef and pork.—When

The Speaker signed the said bills.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill to prohibit the introduction of slaves, negroes & mulattoes into the Indiana Territory, & after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douthitt reported that the committee had, according to order, had the said bill under consideration, and made some amendments to the same, which were again read at the Clerks table, & the first amendment to said bill was concurred in, & the other disagreed to by the House. Ordered that said bill be engrossed for a third reading now, & it was engrossed & read accordingly.

On the question, shall this bill pass as amended? It was decided in the affirmative. Yeas 5 Nays 4 The Yeas & Nays being demanded by a member present—Those who voted in the affirmative are Messrs Brown[*] Hendricks, Montgomery, Robb, Noble —(Speaker).—Those who voted in the negative are Messrs Dunn, Douthitt, McClure, Pennington.

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.—

Mr. Dunn presented the petitions of sundry inhabitants, of the counties of Franklin & Wayne, praying the formation of a new county out of the said counties of Franklin and Wayne.—On motion of Mr. Brown

Ordered that the said petitions be referred to a select committee; & that Messrs Dunn, Brown & Robb be that committee.

Mr. Douthitt presented the petitions of sundry inhabitants of the counties of Harrison & Clark praying the formation of a new county from the said counties of Harrison & Clarke.—& on motion

Ordered that the said petitions be referred to a select committee; and that Mr. Douthitt be that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The Legislative Council have passed the bill regulating the town of Brookville.—The president of the Legislative Council has signed the enrolled bill more effectually to prevent the[*] practice of duelling.—Also the bill regulating

the inspection of flour, beef and pork.—The Legislative Council have also passed the bill concerning the admission and practice of attornies & counsellors at Law, with an amendment, in which they desire the concurrence of this House.

The House resolved itself into a committee of the whole on the bill to amend the act supplementary to the several acts regulating public highways, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Hendricks reported, that the committee had, according to order, had the said bill under consideration, and made several amendments thereto, which were again read at the Clerks table, And the first thereof concurred in, and the second one disagreed to by the House.—Whereupon

Ordered that the said bill be recommitted to a select committee, & that Messrs Dunn, Brown, & Hendricks be that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The Legislative Council have passed the bill authorizing the[*] Judges of the courts of common pleas to hold special courts.—But have rejected the bill from this House entitled "an act as to proceedings in Ejectment, Distress for rent & Tenants at will holding over."—

The House resolved itself into a committee of the whole on the bill for the formation of a new county, out of the counties of Harrison and Clark, and after some time spent therein, Mr. Speaker resumed the chair & Mr. McClure reported that the committee had, according to order, had the said bill under consideration & made no amendment thereto—

The said bill was then read the third time and passed.

Ordered that the Clerk do acquaint the Legislative Council therewith.—

The bill from the Legislative Council authorizing collectors of taxes to make deeds in certain cases was read a second time and committed to a committee of the whole House on monday next.

The House resolved itself into a committee of the whole on the bill to render the practice of law in courts of Justice more easy and plain, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Robb reported That the committee had,

according to order, had the said bill[*] under consideration, and made some amendments to the same which he handed in at the Clerks table where they were again read and concurred in by the House.

Ordered that said bill be engrossed and read a third time to morrow.

Mr. Dunn from the committee appointed to examine the laws on the subject of crimes and punishments reported a bill to amend an Act entitled an act respecting crimes and punishments—which was read the first time; and on motion the said bill was read the second time & committed to a committee of the whole House to morrow.—

The Speaker laid before the House a number of letters from sundry inhabitants of the county of Franklin, against the formation of a new county from the counties of Franklin & Wayne.— On Motion

Ordered that said documents be referred to the committee appointed to examine the petitions in favor of the formation of said county.

On motion of Mr. Pennington Ordered that a committee be appointed to act with such as may be appointed on the part of the Legislative Council, to agree with some person or persons for the printing of the laws of the present session of the Legislature— And that Mr. Dunn be that committee on the part of this House.—

And then the House adjourned 'till to morrow morning 9 O'Clock.[*]

Saturday morning, 18th December 1813—

The House met pursuant to adjournment.

Mr. Brown from the committee appointed to examine the petitions of sundry inhabitants of Franklin and Wayne counties praying the formation of a new county out of the said counties of Franklin and Wayne; together with the remonstrance and other documents against it, reported that the committee after an examination of all the documents & circumstances are of opinion that a division would be injurious to the Citizens of said counties

and ought not to be granted.—In which report the House concurred.

The bill to render the proceedings in courts more easy and plain was read the third time and passed.

Ordered that the Clerk do carry the said bill to the Legislative Council and desire their concurrence therein.

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker, The Legislative Council have passed the resolution for the releif of John Vawter, with an amendment, in which they desire the concurrence of this House.

Ordered that the House concur in said amendment, and that the Clerk do acquaint the Legislative Council therewith.—

The House resolved itself into a committee of the whole on the bill directing the mode of changing the venue[*] and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Dunn reported that the committee had, according to order, had the said bill under consideration, and made some amendments thereto, which he handed in at the Clerks table, where they were again read and concurred in by the House. A motion was then made by Mr. Robb to amend the said bill by striking out the following words in the fourth line from the bottom of the second page, Viz, "and the costs to abide the event of the suit"; and to insert in the place thereof these words "and the said petitioner shall be held responsible for, and bound to pay all additional costs which shall accrue in consequence of such removal to the officers of either court, witnesses, or others, even should he gain such suit."

On the question, Will the House agree to the amendment? It was decided in the negative—Yeas 2 Nays 7 The Yeas and Nays being demanded by a member present, Those who voted in the affirmative are Messrs Robb & Montgomery.—Those who voted in the negative are Messrs Brown, Dunn, Douthitt, Hendricks, McClure, Pennington, Noble (Speaker)[*]

Ordered that said bill be engrossed and read a third time now, & it was engrossed and read accordingly. On the question, "Shall this bill pass"? It was decided in the affirmative.

Ordered that the clerk do carry the said bill to the Legislative Council, & desire their concurrence therein.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have passed the resolution for the releif of John Vawter with an amendment, in which they desire the concurrence of this House.[27]—They have passed the bill to prevent malicious prosecutions, also the bill for the benefit of pilots at Jeffersonville, with amendments, in which they desire the concurrence of this House.

On motion, Ordered that the House concur in said amendments.

The House resolved itself into a committee of the whole on the bill respecting crimes & punishments, and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Montgomery reported, that the committee had, according to order, had the said bill under consideration, and made some amendments thereto, which he handed in at the Clerks table, where they were again read and concurred in by the House.[*]

On motion, Ordered the said bill be engrossed & read the third time now, and it was engrossed and read accordingly. On the question, "Shall this bill pass"? It was decided in the affirmative.

Ordered that the title be "An act to amend the act entitled an act respecting crimes & punishments."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.

The House resolved itself into a committee of the whole on the bill legalizing the proceedings & changing the place of holding the courts of common pleas in Warrick county, & after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douthitt reported that the committee had, according to order, had the said bill under consideration, and made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House. On the question, "Shall this bill pass"? It was decided in the affirmative.

Ordered that the Title be "An act legalizing the proceedings & changing the place of holding the courts in Warrick County."

27 This action was entered in the Journal on the preceding page. See above.

Ordered that the Clerk do carry the said bill to the[*] Legislative Council and desire their concurrence therein.

Mr. Douthitt from the committee appointed to examine the petitions of sundry inhabitants of the counties of Harrison and Clarke, reported a bill for the formation of a new county out of those counties; which was read the first time; and on motion the said bill was read the second time, & committed to a committee of the whole House on monday next.

Mr. Douthitt asked & obtained leave to bring in a bill regulating the Town of Charlestown, which was read the first time, and on motion the said bill was read the second time, and committed to a committee of the whole House on Tuesday next.

Mr. Dunn from the select committee to whom was recommitted the bill entitled an act supplementary to several acts regulating public highways, reported a bill on the subject; In which report the House concurred.

Ordered that the said bill be engrossed & read a third time on monday next.

On motion of Mr. Pennington. Ordered that a select committee be appointed to examine the act authorizing the courts of common pleas to issue writs[*] of certiorari, and for other purposes, to see if any & what amendments are necessary, with leave to report by bill or otherwise.—

Ordered that Messrs Pennington, McClure, & Douthitt be that committee.

And then the House adjourned 'till to morrow morning 9 O'Clock.

Monday morning 20th December 1813.

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole, on the bill from the Legislative Council authorizing the collectors of taxes to make deeds in certain cases, & after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brown reported, that the committee had, according to order, had the said bill under consideration & made no amendment thereto.

On motion the said bill was read the third time & passed.

Ordered that the clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill for the formation of a new county out of the counties of Harrison and Clarke, and after some [*] time spent therein, Mr. Speaker resumed the chair & Mr. McClure reported, that the committee had, according to order, had the said bill under consideration and made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again.

Ordered that the committee of the whole have leave to sit again on said bill.

The bill respecting public highways was read a third time and passed.

Ordered that the title be "an Act to amend the act entitled an act supplementary to the acts regulating public highways."

Ordered that the clerk do carry the said bill to the Legislative Council & desire their concurrence therein.—

The House resolved itself into a committee of the whole on the bill from the Legislative Council entitled an "Act requiring the clerks of the courts of common pleas to make out an account current of the debts due by & to the county," and after some time spent therein, Mr. Speaker resumed the chair, and Mr. McClure reported that the committee had, according to order, had the said[*] bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House. Whereupon on motion, the further consideration of the said bill was postponed 'till Thursday next.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have appointed Mr. Johnson a committee on their part, to act with the committee appointed by this House, to contract with some person or persons, for the printing of the laws of the present session of the Legislature.

The House resolved itself into a committee of the whole on the bill from the Legislative Council granting appeals in certain cases, and after some time spent therein, Mr. Speaker resumed the

chair, and Mr. Pennington reported that the committee had, according to order, had the said bill under consideration, had made some progress therein, but not having time to go through the same, they had desired him to ask leave to sit again—

Ordered that the committee of the whole House have leave to sit again on said bill—[*]

The House resolved itself into a committee of the whole on the bill respecting small causes, reported by the committee appointed to examine & bring in the unfinished business of last session, & after some time spent therein, Mr. Speaker resumed the chair, and Mr. Robb reported that the committee had according to order, had the said bill under consideration and made no amendment thereto.

The said bill was then engrossed & read a third time. On the question "Shall this bill pass"? It was decided in the negative.—

Mr. Robb from the committee appointed to examine the laws on the subject of a permanent revinue, reported a bill, which was read the first time, & on motion the said bill was read the second time & committed to a committee of the whole House to morrow.

Mr. Dunn from the committee appointed to bring in a bill apportioning the members to the House of Representatives of the Indiana Territory, reported a bill on the subject, which was read the first time, and on motion the said bill was read the second time, and committed to a committee of the whole House to morrow—[*]

The House resolved itself into a committee of the whole on the state of the Territory, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Montgomery reported, that the committee had, according to order, had the state of the Territory under consideration, but not having time to go through the business before them, had desired him to ask leave to sit again.—Leave granted.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Tuesday morning 21st December 1813—

The House met pursuant to adjournment.

Mr. Hendricks from the committee for enrolled bills reported,

That the committee had compared the engrossed with the following enrolled bills, Viz—An act to amend an act entitled an act authorizing the appointment of a pilot.

An act for the formation of a new county out of the counties of Harrison and Clark.

A resolution for the releif of John Vawter.

An act to amend the act entitled an act regulating[*] the admission and practice of attornies & counsellors at law, and for other purposes.

An act to prevent malicious prosecutions.

and had found the said bills truly enrolled.—The committee farther reported that the said bills, having been signed by the Speaker of the House of Representatives, & the President of the Legislative Council, had been submitted to his Excellency the Governor for his signature.

On motion of Mr. Hendricks—Ordered that the Clerk insert in the Journals the name of the person who calls the Yeas & Nays.

The House resolved itself into a committee of the whole on the bill supplementary to the act establishing a permanent revinue, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Robb reported that the committee had, according to order, had the said bill under consideration, & made some amendments to the same, which were handed in at the Clerks table, where they were again read & concurred in by the House. Mr. Robb then moved to strike out of said bill that part[*] of the fifth section which says "That in future it shall not be lawful to impose as a tax on town lots more than one per cent on their valuation, exclusive of the improvements thereon." And insert in lieu thereof these words, Viz, "That there shall hereafter be paid a sum on town lots not exceeding one half per centum on the value thereof, including the improvements, which are to be estimated by the Assessors."—

On the question, "Will the House concur in this amendment"? It was decided in the negative. Yeas 3 Nays 6 The Yeas and nays being demanded by Mr. Robb. Those who voted in the negative are Messrs Brown, Dunn, Douhitt, Hendricks, McClure, Montgomery—Noble (Speaker).

Mr. Robb then moved to amend the said bill under consideration by striking out of the fifth section after the word color, these words "The age of twelve Years & upwards."

On the question, "will the House concur in said amendment?" It was decided in the negative. The Yeas and nays being demanded by Mr. Robb. Mr. Robb voted in the affirmative.—Those who voted in the negative—are Messrs Brown, Dunn, Douthitt, Hendricks, McClure, Montgomery, Pennington, Noble (Speaker).—[*]

Mr. Robb moved to amend the bill under consideration by adding the following clause, "And be it further enacted that on each and every wholesale or retail store, a sum not exceeding one half per centum on the amount of the stock or capital employed in such wholesale or retail store; which amount shall be ascertained by the oath of the owner or keeper of such store, administered by the Sheriff."

On the question "Will the House concur in this amendment?" It was decided in the negative.—The Yeas and nays being demanded by Mr. Robb.—Those who voted in the affirmative are Messrs Brown, Pennington & Robb.—Those who voted in the negative ars Messrs Dunn, Douthitt, Hendricks, McClure, Montgomery, Noble (Speaker)

Mr. Dunn moved to amend the bill under consideration by adding in the fifth section after the word upwards these words "nor on every store more than fifteen dollars, excepting whole sale which shall be forty dollars, and in the same proportion for a Year— The licence to be obtained as is directed by the law to which this is a supplement."

On the question "Will the House concur in the amendment." It was decided in the affirmative. The Yeas and Nays being demanded by Mr. Robb.—[*] Those who voted in the affirmative are Messrs Brown, Dunn, Douthitt, Hendricks, McClure, Montgomery, Noble (Speaker)— Those who voted in the negative are Messrs Pennington and Robb.—

Ordered That the said bill be engrossed & read a third time to morrow.

A message from the Legislative Council, by Mr. Sullivan their

Secretary. Mr. Speaker, The Legislative Council have rejected the bill from this House more effectually to prohibit the introduction of slaves, negroes, or mulattoes into the Indiana Territory.

The House resolved itself into a committee of the whole on the bill apportioning the members to the House of Representatives, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douthitt reported, that the committee had, according to order, had the said bill under consideration, and made no amendment to the same.

On motion the said bill was engrossed & read a third time. On the question "Shall this bill pass"? It was decided in the affirmative.

Ordered that the Title be "An act apportioning the members[*] to the House of Representatives of the Indiana Territory."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have passed the bill from this House, supplementary to the act regulating the duties of Sheriffs & for other purposes, with amendments, in which they desire the concurrence of this House. On the question, "Will the House concur in said amendments"? It was decided in the affirmative.

Ordered that the Clerk do acquaint the Legislative Council therewith.—

The further consideration of the bill concerning the offices of Attorney General & Territorial Treasurer was postponed until Saturday next.[28]

The House resolved itself into a committee of the whole on the bill regulating the Town of Charlestown, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported, that the committee had, according to order, had the said bill under consideration, and made an amendment to the same, which was again read at the Clerks table[*] and concurred in by the House.—

Ordered that the said bill be engrossed & read a third time

[28] No further action on this measure is recorded. See *ante,* 609, and note 19.

now; and it was engrossed & read accordingly. On the question, "Shall this bill pass?" It was decided in the affirmative—

Ordered that the title be "An act regulating the town of Charlestown."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.

The House resolved itself into a committee of the whole on the bill for the formation of a new county out of the counties of Harrison & Clark, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Montgomery reported, that the committee had, according to order, had the said bill under consideration and made amendments to the same; which he handed in at the Clerks table where they were again read & concurred in by the House.

The said bill was then engrossed & read a third time. On the question "Shall this bill pass"? It was decided in the negative.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, The Legislative Council have passed a bill for the releif of Willis W. Goodwin[*] in which they desire the concurrence of this House. On motion the said bill from the Legislative Council was read the first and second times & committed to a committee of the whole House to morrow.

On motion of Mr. Pennington The bill to amend the act authorizing the courts of common pleas to issue writs of Habeas Corpus and Certioràri in certain cases, was read the first & second times, & committed to a committee of the whole House to morrow.

Mr. Brown having obtained leave, presented a memorial from this House to congress on the subject of a post route from Salisbury to Eaton, which was read and passed.[29]

Ordered that the Clerk do carry the said memorial to the Legislative Council & Desire their concurrence therein.

On motion of Mr. Dunn, Ordered that a committee be appointed to examine the duties of the Auditor & Treasurer prescribed by law, and see if there would be any impropriety in blend-

[29] The text of this memorial has not been found. It was read in the U. S. Senate on January 11, 1814. The act altering and establishing post roads, approved April 18, 1814, provided for a post road from Eaton, Ohio, to Salisbury, Indiana. U. S. *Statutes at Large,* 3:132.

ing the two offices, with leave to report by bill or otherwise.— And thereupon Messrs Dunn, Robb, and Hendricks were appointed that committee.[*]

On motion of Mr. Robb—Ordered that a committee be appointed to bring in a bill making specific appropriations for the present Year. & thereupon Messrs Robb and Dunn were appointed that committee.—

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Wednesday morning 22nd December 1813.

The House met pursuant to adjournment.

The bill reorganizing courts of Justice was read the second time, & committed to a committee of the whole House to day.—

Mr. Hendricks from the committee for enrolled bills reported that the committee had examined an enrolled bill authorizing the collector of taxes to make deeds in certain cases, and had found the said bill truly enrolled. When The Speaker signed the said bill.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill for the releif of Willis W. Goodwin, & after[*] some time spent therein, Mr. Speaker resumed the chair and Mr. Dunn reported, that the committee had according to order, had the said bill under consideration, & made some progress therein, & desired him to ask leave to sit again.—Leave granted.—

The House resolved itself into a committee of the whole on the bill to amend the act entitled an act authorizing the courts of common pleas to issue writs of Habeas corpus & certiorari in certain cases, & after some time spent therein, Mr. Speaker resumed the chair and Mr. Montgomery reported that the committee had according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House. On motion the said bill was then engrossed & read a third time & passed.

Ordered that the Title be "An act to amend the act entitled

an act authorizing the courts of common pleas to issue writs of Habeas Corpus & certiorari in certain cases."

Ordered that the Clerk do acquaint the Legislative Council therewith.—[*]

The bill supplementary to the act establishing a permanent revinue was read the third time & passed.

Ordered that the Title be "An act supplementary to the act to reduce into one the several acts to establish a permanent revinue".

Ordered that the Clerk do acquaint the Legislative Council therewith.—[30]

On motion of Mr. Robb. Ordered that the Clerk of this House do make out a copy of the act passed at the present session, entitled an act appointing commissioners to fix the seats of Justice in the counties of Gibson & Warrick and that he transmit the same by mail to the Sheriff of Knox County.

On motion of Mr. Dunn Ordered that a committee be appointed to wait on the Auditor & require him to give this House a statement of the proceedings had in the General Court against Willis W. Goodwin as collector of Territorial taxes for the Years 1808-9-10— and thereupon Messrs Dunn & Robb were appointed that committee.

A message from his Excellency the Governor by Mr. Prather[*] his private secretary— Mr. Speaker— I am directed by the Governor to inform this House that he did on the 18th Inst. approve and sign An act entitled "An act regulating the town of Brookville."— Also on the twenty first inst. "An act to amend an act entitled an act authorizing the appointment of a pilot."— Also "an act to prevent malicious prosecutions".— Also "An act to amend an act entitled an act regulating the admission & practice of Attorneys & counsellors at Law, & for other purposes."—Also "a resolution for the releif of John Vawter."— All of which acts originated in this House.— I am also directed to lay before this House a written communication from his Excellency the Governor.—

30 The Legislative Council amended this act by striking out everything after the enacting clause and introducing a new bill. *Post,* 723-24.

The above mentioned communication from his Excellency, is as follows—

To the Honorable James Noble, Speaker of the House of Representatives of the Indiana Territory.

Mr. Speaker— In conformity to the resolutions of the House of Representatives, making certain enquiries of secretary Gibson, when acting Governor of the Territory, relative to Captains Peytons & Hargroves companies of Rangers, through me— I herewith transmit[*] the report of Secretary Gibson, together with the copy of sundry letters relative to those companies of Rangers.[31] The Legislature can in their memorial refer Congress to the office of the Secretary of War for the documents relative to the report of said companies.

Respectfully yours
Tho. Posey.

Corydon 22nd December 1813.

which communication with the documents accompanying it, were read.

Mr. Robb moved that a committee be appointed to draft a memorial to Congress describing all the circumstances relative to Captains Hargrove's & Peyton's companies, & praying releif therefor.

On the question, "Will the House agree to this motion"? It was decided in the negative.[32]

On motion of Mr. Pennington. Ordered that the said communication from the Governor, together with the accompanying documents lie on the table.—

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker—The president of the Legislative Council has signed the enrolled bill supplementary to the act entitled an act regulating[*] the duties of Sheriffs and for other purposes.—

The House resolved itself into a committee of the whole on the bill reorganizing courts of Justice, & after some time spent

31 These documents have not been found.

32 A memorial for the relief of these companies introduced later by Robb was passed by the House. *Post,* 671, 679, 682.

therein, Mr. Speaker resumed the chair and Mr. Robb reported, that the committee had according to order, had the said bill under consideration and made some progress therein, & desired him to ask leave to sit again.— Leave granted.—

Mr. Hendricks having obtained leave, introduced a bill for the removal of the seat of Government from the town of Corydon, to the town of Madison;[33] which bill was read the first time, & on motion the said bill was read the second time.

Ordered that said bill be read a third time on friday next.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Thursday morning 23rd December 1813.

The House met pursuant to adjournment.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker— His Excellency the Governor has notified the Legislative Council[*] that he did on the 18th Inst. approve and sign an act authorizing the Judges of the Courts of common pleas to hold special courts in certain cases.— Also an act more effectually to prevent duelling.— Also on the 20th Inst. An act to amend the act regulating the inspection of flour, beef and pork.— Also on the 21st An act for the formation of a new county out of the counties of Harrison and Clarke.— Also on the 22nd an act authorizing the collectors of taxes to make deeds in certain cases.

The House resolved itself into a committee of the whole on the bill reorganizing courts of Justice, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Pennington reported that the committee had, according to order, had the said bill under consideration, and made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.

Ordered that the said bill be engrossed & read a third time to morrow.

A message from the Legislative Council by Mr. Sullivan[*] their Secretary—Mr. Speaker, The Legislative Council have

[33] Hendricks had moved to Madison late in 1812 or early in 1813. See sketch of him, *post,* Appendix II.

passed a bill to dissolve the marriage of Arrabella Davison, with her husband Daniel Davison—In which they desire the concurrence of this House. They have passed the bill from this House apportioning the members to the House of Representatives. They have also passed the bill from this House to render the practice in courts more easy & plain, with some amendments, in which they desire the concurrence of this House.

On motion the House concurred in said amendments.—[*]

On motion of Mr. Hendricks Ordered that a committee be appointed to draft a memorial to congress praying them to enjoin such duties on the Judges of the General Court as this Legislature may prescribe.—and that Messrs. Hendricks & McClure be that committee.[34]

Leave being granted, Mr. Dunn introduced a bill supplementary to the acts for the trial of small causes, which was read the first time, & on motion

Ordered that the said bill be read a second time to morrow.

On motion of Mr. Pennington, The bill from the Legislative Council to dissolve the marriage of Arrabella Davison with Daniel Davison her husband, was read the first time; and on motion, the rules of the House were dispensed with, & the said bill was read the second & third times and passed.

Ordered that the Clerk do acquaint the Legislative Council therewith.

Mr. Robb moved that the deposition of Isaac Montgomery Esqr (now a member of this House) who was appointed by Secretary Gibson, while acting as Governor of the Territory, to muster and inspect Captain Hargroves company of Rangers, be taken and laid before this House.—

On the question, "Will the House concur in said motion"? It was decided in the negative.—

The House resolved itself into a committee of the whole on the bill from the Legislative Council to recover money back in certain cases, & for other purposes, and after some[*] time spent therein, Mr. Speaker resumed the chair, & Mr. Dunn reported, that the committee had, according to order, had the said bill under

[34] See *ante* 617n-18n.

consideration, and made some amendments to the same, which he handed in at the Clerks table, where they were again read, and concurred in by the House. The said bill from the Legislative Council, was then read the third time and passed.

Ordered that the Clerk do acquaint the Legislative Council therewith.

On motion of Mr. Brown—Ordered by the Legislative Council and House of Representatives, That the next annual meeting of the Legislature for this Territory, shall be on the third monday in December next, at the seat of Government— Any law to the contrary notwithstanding.

Mr. Dunn from the committee, appointed for the purpose, reported a bill allowing a compensation to the members of both Houses of the Legislature and for other purposes, which was read the first time, and on motion, the said bill was read the second time, & committed to a committee of the whole House on Wednesday next.

Mr. Dunn from the committee appointed for the purpose, reported a bill for the appointment of a Territorial Treasurer, which was read the first time, and on motion the said bill was read the second time, & committed to a committee of the whole House to morrow.—[35]

A message from the Legislative Council, by Mr. Sullivan their Secretary—"Mr. Speaker, The Legislative Council have passed the bill legalizing the proceedings, and changing the place of[*] holding the courts of common pleas in Warrick County— They have also passed the bill respecting crimes & punishments, with amendments, in which they desire the concurrence of this House." — And the House concurred accordingly.

35 This bill, approved on December 31, abolished the offices of territorial auditor and treasurer and provided for one officer, a territorial treasurer, to be appointed by the Governor, who would perform the duties prescribed in the bill. The treasurer's salary was fixed at $250 a year. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 468-72. A resolution was passed (*post,* 739) to pay the encumbent auditor, Davis Floyd, and treasurer, General W. Johnston, their salaries to the first of February. Floyd was appointed treasurer under the new act and held that post throughout the remainder of the territorial period. *Ibid.,* 507, 821, note 1.

Ordered that the Clerk acquaint the Legislative Council therewith.—

Mr. Montgomery presented the petition of Freelove Hoskins praying for the dissolution of her marriage with Elisha Hoskins, her husband.

Ordered that the said petitions be referred to a select committee, & that Messrs Montgomery and Robb be that committee.

A message from the Legislative Council, by Mr. Sullivan, their Secretary— Mr. Speaker, The Legislative Council have concurred in the memorial to congress on the subject of a post route from Salisbury to Eaton.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Friday morning 24th December 1813.—

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill respecting water crafts found going adrift, and estray animals, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Pennington reported, that the committee had, according to order, had the said[*] bill under consideration, and made some amendments to the same, which he handed in at the Clerks table, where they were again read, and concurred in by the House. Ordered that the said bill be engrossed for a third reading to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker, The Legislative Council have passed the following resolution, Viz. Resolved that a joint committee of both Houses be appointed to report what business requires the attention of the Legislature before an adjournment, and when an adjournment may take place— The committee on the part of the Legislative Council are Messrs Wilson and Johnson.

On motion of Mr. Pennington, The House concurred in the said joint resolution; and thereupon Messrs Hendricks & Dunn were appointed the committee on the part of this House.

The bill supplementary to the acts for the trial of small causes was read a second time, & committed to a committee of the whole House to morrow.—

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker, The Legislative Council have passed a bill for the releif of James Crow Collector of Knox County for the Year 1812, in which they desire the concurrence of this House.[36]

The engrossed bill reorganizing courts of Justice was read the third time and passed.[*]

Ordered that the Title be "An act reorganizing courts of Justice." Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.

Mr. Hendricks from the committee for enrolled bills, reported that the committee had examined the following enrolled bills— Viz—A bill to dissolve the marriage of Arrabella Davison, with Daniel Davison her husband— A bill legalizing the proceedings & changing the place of holding the courts of common pleas in Warrick County— A bill apportioning the members to the House of Representatives of the Indiana Territory— A bill to render the practice in courts more easy and plain— And had found the said bills truly enrolled. When The Speaker signed the said bills.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill for the appointment of a Territorial Treasurer, & after some time spent therein, Mr. Speaker resumed the chair and Mr. Douthitt reported, that the committee had, according to order, had the said bill under consideration, and made some amendments to the same, which he handed in at the clerks table, where they were again read & concurred in by the House.

Mr. Dunn moved to amend the bill under consideration by inserting a clause giving to the Treasurer, appointed[*] according to the provisions of this act, a Salary of Two hundred dollars— On the question "Will the House concur in said amendment"?— It was decided in the negative— Mr. Hendricks moved to amend the bill under consideration, by fixing said salary at Two hundred & fifty dollars— On the question, "Will the House concur in said

[36] Crow was sheriff of Knox from November [?], 1811, until March [?], 1813. See Ewbank and Riker (eds.), *Laws, 1809-16,* p. 853 and note 4.

amendment?"— It was decided in the affirmative The Yeas and Nays being demanded by Mr. Robb— Those who voted in the affirmative are Messrs Douthitt, Hendricks, McClure, Pennington, Noble, (Speaker). Those who voted in the negative are Messrs Brown, Dunn, Montgomery, Robb.

Ordered that the said bill be engrossed & read the third time to morrow.—

Mr. Robb from the committee appointed to wait on the Auditor to procure information respecting the releif prayed for by Willis W. Goodwin, reported as follows, That the committee had, according to order, waited on the Auditor & Obtained from him sundry papers, containing sundry facts relative thereto, which they now lay before the House.

The House resolved itself into a committee of the whole on the bill from the Legislative Council for the releif of Willis W. Goodwin, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Pennington reported, that[*] the committee had, according to order, had the said bill under consideration, & made some amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House.

The said bill was then read a third time & passed.

Ordered that the Clerk do acquaint the Legislative Council therewith & desire their concurrence.—

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker— The President of the Legislative Council has signed the bill legalizing the proceedings and changing the place of holding the courts of common pleas in Warrick County. Also the bill apportioning the members to the House of Representatives.

The engrossed bill for the removal of the seat of Government from the town of Corydon to the town of Madison, was read the third time.

Mr. Robb moved that the bill be recommitted to a committee of the whole. On the question, "Shall the bill be recommitted?" It was decided in the negative. The question was then taken, "Shall this bill pass?" It was decided in the affirmative— Yeas 5

— Nays 4— The Yeas & Nays being demanded by Mr. Robb— Those who voted in the affirmative are Messrs Brown, Douthitt,[*] Dunn, Hendricks, Noble (Speaker)— Those who voted in the negative are Messrs McClure, Montgomery, Pennington, Robb.

Ordered that the Title be "An act to remove the seat of Government from the Town of Corydon, to the Town of Madison."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.[37]

And then the House adjourned 'till to morrow morning 9 O'Clock—

Saturday morning 25th December 1813—

The House met pursuant to adjournment.

The engrossed bill for the appointment of a Territorial Treasurer was read the third time—and on the question "Shall this bill pass?" It was decided in the affirmative. The Yeas & nays being demanded by Mr. Pennington— Those who voted in the Affirmative are Messrs Brown, Douthitt, Dunn, Hendricks, Montgomery, McClure, Robb, Noble (Speaker)— Mr. Pennington voted in the negative

Ordered that the title be "an act for the appointment of a Territorial Treasurer."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein—[*]

Mr. Hendricks from the committee for enrolled bills, reported, that the committee had examined an enrolled bill on the subject of crimes and punishments— Also triplicate memorials to Congress on the subject of a post route from Salisbury to Eaton, & had found the said bill & memorials truly enrolled— When— The Speaker signed the said bill & memorials.

Ordered that the Clerk do carry the said bill & memorials to the Legislative Council, for the signature of the president.

On motion of Mr. Robb— The bill from the Legislative Council for the releif of James Crow, Collector of Knox county.

[37] The bill was rejected by the Council.

for the Year 1812, was read the first time, & on motion, the said bill was read the second time & committed to a committee of the whole House on monday next.

A message from the Governor by Mr. Prather his private Secretary notifying that the Governor did on the 24 inst approve & sign an act entitled "an act legalizing the proceedings & changing the place of holding courts of common pleas in Warrick County"-- Also "An act supplementary to the act entitled an act regulating the duties of Sheriffs and for other purposes"— also "An act to render the practice in courts more easy and plain." Also an act apportioning the members to the House of Representatives of the Indiana Territory.

Ordered that the Clerk do acquaint the Legislative Council therewith.[*]

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker, the Legislative Council have passed the bill regulating the Town of Charlestown, with amendments, in which they desire the concurrence of this House— Also a bill for the releif of James McCampbell, in which they desire the concurrence of this House.—

The said bill from the Legislative Council for the releif of James McCampbell, was read the first time, and on motion the said bill was read the second time, and committed to a committee of the whole House on monday next.

The amendments made by the Legislative Council to the bill regulating the Town of Charlestown were concurred in by the House.

Ordered that the Clerk do acquaint the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill supplementary to the acts for the trial of small causes, and after some time spent therein, Mr. Speaker resumed the chair, & Mr. McClure reported, That the committee had, according to order, had the said bill under consideration, & made some progress therein, but not having time to go through the same, had desired him to ask leave to sit again.—[*]

Ordered that the committee of the whole have leave to sit again on the said bill.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker, the Legislative Council have passed a bill establishing & regulating the militia of the Indiana Territory.[38]— Mr. Robb moved that the said bill be read the first time now, which was negatived— Whereupon the said bill was ordered to lie on the table.

The bill on the subject of water crafts and estray animals was read the third time, & on motion recommitted to a select committee. Whereupon Mr. Hendricks was appointed that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker— The President of the Legislative Council has signed an enrolled bill entitled "an act to amend an act entitled an act respecting crimes and punishments." Also triplicate memorials to Congress on the subject of a post route from Salisbury to Eaton. The bill from the Legislative Council requiring the Clerks of the Courts of common pleas to make out an account current of the debts due by & to the county, was read the third time. On the question "Shall this bill pass?" It was decided in the negative.

Ordered that the Clerk do acquaint the Legislative Council therewith.—

Mr. Douthitt having obtained leave introduced a[*] bill for the regulation of the Town of Jeffersonville, which was read the first time, and on motion the said bill was read the second time, & committed to a committee of the whole House on monday next.

And then the House adjourned until monday next.

Monday morning 27th December 1813.

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill from the Legislative Council for the releif of James Crow,

[38] This militia bill was approved January 3, 1814. *Post,* 743. An appropriation was granted by the act for printing five hundred copies, forty of which were to be sent to each county to be distributed by the militia colonels. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 499.

collector of Knox County for the Year 1812, And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douthitt reported, that the committee had, according to order, had the said bill under consideration, and made no amendment thereto. On motion of Mr. Dunn the said bill was amended by striking out the words one hundred dollars, and inserting in leiu thereof these words "ninety one dollars and ninety cents."

Ordered that the Clerk do acquaint the Legislative Council therewith & desire their concurrence.[*] Leave granted.—

A message from the Legislative Council, by Mr. Sullivan their Secretary— Mr. Speaker— The Governor by his private Secretary, has informed the Legislative Council, that he did on the 24th Inst approve and sign an act to dissolve the marriage of Arabella Davison, with Daniel Davison her husband.— The Legislative Council have passed a bill to dissolve the marriage of Elizabeth Green, with Jonah Green her husband, in which they desire the concurrence of this House.

Mr. Hendricks from the committee for enrolled bills, reported that they had examined an enrolled bill for the releif of Willis W. Goodwin— Also an enrolled bill for the regulation of the Town of Charlestown— and had found the said bills truly enrolled— When, The Speaker signed the said bills—

Ordered that the Clerk do carry the said bills to the Legislative Council for the signature of the president.

The bill from the Legislative Council to dissolve the marriage of Elizabeth Green, with Jonah Green her husband, was read the first time, & on motion, the said bill was read the second time, & committed to a committee of the whole House to morrow.

The House resolved itself into a committee of the whole on[*] the bill from the Legislative Council for the releif of James McCampbell, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported, that the committee had, according to order, had the said bill under consideration & made no amendment thereto.— Ordered to be read a third time to morrow.

A message from the Governor by Mr Prather his private Secretary, notifying that his Excellency did this day approve & sign "An act to amend the act entitled an act respecting crimes

and punishments"— Also triplicate memorials to Congress on the subject of a post route from Salisbury to Eaton.—

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker. The Legislative Council have passed the following joint resolution, Viz. Whereas it hath been represented to this House that his Excellency the Governor is about to leave the seat of Government and go to the Town of Jeffersonville in Clark County— Resolved therefore by the Legislative Council & House of Representatives that the committee of Enrolled Bills be instructed not to deliver the enrolled bills to any person except his Excellency.—[39] On motion of Mr. Brown, The House concurred in the said joint resolution.

Ordered that the clerk acquaint the Legislative Council therewith.[*] The House resolved itself into a committee of the whole on the bill supplementary to the several acts for the trial of small causes, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Robb reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

Mr. Robb moved to amend the bill under consideration by adding a 4th section as follows, "And be it further enacted that judgments shall be taken by confession, before Justices of the peace at the request of the parties concerned, for any sum not exceeding one hundred dollars, and the said Justice, before whom such judgment is confessed, shall enter up judgment accordingly; and at the request of the parties concerned, trials shall be had before Justices of the peace to any amount, not exceeding one hundred dollars exclusive of costs, & judgment entered thereupon as in other cases; & upon all judgments of upwards of forty & not exceeding seventy dollars, a stay of execution for seven months shall be allowed; and on all judgments amounting to upwards of seventy dollars there shall be a stay of execution for nine months allowed."

On the question, "Will the House concur in said amendment"? It was decided in the negative.— The Yeas & Nays being de-

[39] See *post,* 721-22, and note.

manded by Mr. Robb—[*] Those who voted in the affirmative are Messrs Hendricks, Montgomery, Robb, Noble (Speaker).— Those who voted in the negative are are Messrs Brown, Dunn, Douthitt, McClure, Pennington.—

Ordered that the said bill for the trial of small causes be engrossed and read the third time to morrow.

A message from the Legislative Council by Mr. Sullivan their Secretary— Mr. Speaker— The President of the Legislative Council has signed the enrolled bill for the releif of James Crow Collector of Knox county.

The House resolved itself into a committee of the whole on the bill regulating the Town of Jeffersonville, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Dunn reported, That the committee had, according to order, had the said bill under consideration & made amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House.

Ordered that the said bill be engrossed & read a third time now, and it was engrossed and read accordingly.—

On the question "Shall this bill pass?" It was decided in the affirmative.

Ordered that the Title be "An Act to amend an act regulating the Town of Jeffersonville."

Ordered that the Clerk do carry the said bill to the Legislative Council and desire their concurrence therein.—[*]

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker— The Legislative Council have passed the bill from this House entitled an act authorizing the courts of common pleas to issue writs of Habeas Corpus & certiorari in certain cases with amendments, in which they desire the concurrence of this House.

The Legislative Council have disagreed to the amendments made by this House to the bill making certain instruments assignable; and desire a committee of conferrence on the subject, and have appointed Mr. Johnson a committee on their part for that purpose.

Ordered that Mr. Hendricks be appointed a committee on

the part of this House, to confer with the committee appointed by the Legislative Council on the subject of the amendments made by this House to the bill making certain instruments of writing assignable.

The bill from the Legislative Council establishing & regulating the militia of the Indiana Territory was read the first time.

The Speaker having obtained leave of absence for an hour or two, Mr. Brown was appointed Speaker pro. tem.

On motion The House adjourned 'till to morrow morning 9 O'Clock.—[*]

Tuesday morning 28th December 1813—

The House met pursuant to adjournment.

The amendments made by the Legislative Council to the bill entitled "An act to amend the act entitled an act authorizing the courts of common pleas to issue writs of Habeas Corpus & certiorari in certain cases," were read & concurred in by the House.

Ordered that the Clerk do acquaint the Legislative Council therewith.

Mr. Hendricks from the committee appointed for the purpose, reported a memorial to congress, on the subject of the Judges of the General Court; which memorial was read the first time.

The House resolved itself into a committee of the whole on the state of the Territory & after some time spent therein, Mr. Speaker resumed the chair & Mr. McClure reported that the committee had, according to order, had the state of the Territory under consideration, and agreed to a memorial to Congress relative to the Judges of the General Court, which he handed in at the Clerk's table, where it was again read & concurred in by the house.

Ordered that the Clerk carry the said memorial to the Legislative Council & desire their concurrence therein.

The engrossed bill supplementary to the several acts on the subject of small causes, was read the third time & passed[*]

Ordered that the Title be "An act supplementary to the several acts for the trial of small causes."

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence therein.—

Mr. Hendricks from the committee to whom was recommitted the bill introduced by Mr. Pennington, respecting water crafts & estray animals, reported a bill on the subject, which was read the first time, & on motion, the said bill was read the second time.

On motion the said bill was read the third time and passed.

Ordered that the Title be "An act in amendment of the act to amend an act entitled an act to regulate the disposition of water crafts of certain descriptions found gone and going adrift, & of estray animals."

Ordered that the Clerk do carry the said bill to the Legislative Council and desire their concurrence therein.

The bill from the Legislative Council establishing & regulating the militia—was read the second time & committed to a committee of the whole House to day.

The House resolved itself into a committee of the whole on the said bill respecting the militia of this Territory, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington reported, That the committee had, according[*] to order, had the said bill under consideration and made amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House. When the further consideration of said bill was postponed 'till to morrow morning.

A message from the Legislative Council by Mr. Sullivan their Secretary, Mr. Speaker, The Legislative Council have passed the bill from this House, entitled "an act supplementary to an act entitled an act to reduce into one the several acts to establish a permanent revinue," with amendments; in which they desire the concurrence of this House.— They have also passed the bill from this House for the appointment of a Territorial Treasurer, with amendments, in which they desire the concurrence of this House.—

On the question "Will the House concur in the said amendments made by the Legislative Council to the bill respecting the revinue?" — It was decided in the negative.

On motion of Mr. Robb ordered that a committee of conferrence be appointed on said amendments; & that Mr. Dunn be that committee.

Ordered that the Clerk acquaint the Legislative Council therewith.

On motion of Mr. Dunn, Ordered that the House concur in the amendments made by the Legislative Council[*] to the bill for the appointment of a Territorial Treasurer; And that the Clerk do acquaint the Legislative Council therewith.

And then the House adjourned 'till to morrow morning 9 o'Clock.

Wednesday morning 29th December 1813

The House met pursuant to adjournment.

The amendments made by the Legislative Council to the bill reorganizing courts of Justice were read & concurred in by the House.

Ordered that the clerk acquaint the Legislative Council therewith.

The bill establishing & regulating the militia was taken into consideration. Mr. Brown moved to amend the bill under consideration by adding a clause particularly guarding against appeals from the military to the civil courts; which motion was negatived.

On motion of Mr. Robb— Ordered that the first section of said bill be amended by adding these words, "and the company officers with a sword or espontoon."

On motion of the same Gentleman

The said bill was amended by adding the 79th section.—[*]

Mr. Robb moved to amend the bill under consideration by adding the following proviso.— "Provided always That all delinquencies which have heretofore occurred in that part of the said fourth Regiment which is hereby attached to the first, shall be prosecuted & the fines assessed thereon in the same manner & under the same rules and regulations as if this arrangement had never taken place; which fines when assessed, together with such as are now due by that part of the said fourth Regiment hereby attached to the first, shall be collected and paid to the proper officer for the use & benefit of the said fourth Regiment in the same manner & under the same rules and regulations as if no such arrangement, seperation or attachment had ever taken place"; which motion was overruled by the House.

On motion of Mr. Brown, The 28th section of the bill under consideration was amended by adding the following words Viz "And the person obtaining the Surgeon's certificate shall pay him fifty cents, excepting those who have paid him for certificates heretofore granted."

On motion, Ordered that the said bill, with the amendments aforesaid be read the third time.

Mr. Hendricks moved that the reading of the title of said bill be deemed sufficient.[*] On the question "Will the House agree to this motion"? It was decided in the affirmative. The Yeas & nays being demanded by Mr. Robb.— Those who voted in the affirmative are Messrs Dunn, Douthitt, Hendricks, Montgomery, Pennington, Noble (speaker)— Those who voted in the negative are Messrs Brown, McClure, Robb.

The title of the bill was then read the third time. On the question, "Shall this bill pass?" It was decided in the affirmative.

Ordered that the Clerk do carry the said bill to the Legislative Council & desire their concurrence in the amendments made by this House.

The House resolved itself into a committee of the whole on the bill from the Legislative Council to dissolve the marriage of Elizabeth Green, with Jonah Green her husband, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Robb reported, That the committee had, according to order, had the said bill under consideration & made no amendment thereto.

The said bill was then read a third time & passed. The Yeas & Nays being demanded by Mr. Dunn,— Those who voted in the affirmative are Messrs Douthitt, Dunn, McClure, Montgomery, Pennington, Noble (Speaker).— Those who voted in the negative are Messrs Brown, Hendricks, Robb.[*]

Ordered that the Title be "An act to dissolve the marriage of Elizabeth Green, with Jonah Green her husband."

Mr. Brown, having obtained leave, introduced a bill regulating elections, which was read the first time; and on motion the said bill was read the second time, & committed to a committee of the whole House to morrow.

A message from the Legislative Council by Mr. Sullivan their

Secretary— Mr. Speaker, The Legislative Council have agreed to the committee of conferrence proposed by this House on the amendments made by the Legislative Council to the bill respecting the revinue, & have appointed Mr. Johnson a committee on their part.

The bill from the Legislative Council for the releif of James McCampbell was read the third time— On the question "Shall this bill pass?" It was decided in the negative. The Yeas & Nays being demanded by Mr. Douthitt.— Those who voted in the affirmative are Messrs Brown, Douthitt Hendricks.— Those who voted in the negative are Messrs Dunn, Montgomery, McClure, Pennington, Robb Noble (Speaker)—

The House resolved itself into a committee of the whole on the bill from the Legislative Council granting appeals in certain cases, & after some time spent therein, Mr. Speaker[*] resumed the chair & Mr. Brown reported that the committee had, according to order, had the said bill under consideration, & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

The said bill was then read a third time. On the question "Shall this bill pass?" It was decided in the negative.

Ordered that the Clerk do acquaint the L. C. therewith.

A message from the Legislative Council, by Mr. Sullivan their Secretary. Mr. Speaker— The Legislative Council have agreed to the amendments made by this House to the bill establishing & regulating the militia of the Indiana Territory.

Mr. Robb presented the petition of William Legerwood & Nancy Legerwood praying a law to sell certain mills.— On the question "Shall the said petition be referred to a select committee?" It was decided in the negative.[40]

Mr. Pennington presented the petitions of Andrew Russell & others, for the releif of Joseph Latta.

On motion Ordered that the said petitions be referred to a select committee; & that Mr. Pennington be that committee.

[40] A saw- and gristmill with five acres of land on Busseron Creek, Knox County, was advertised for sale by William Ledgerwood in the Vincennes *Western Sun,* May 21, 1814.

The House resolved itself into a committee of the whole on the compensation bill, & after some time spent therein, Mr. Speaker, resumed the chair & Mr. Montgomery reported[*] that the committee had, according to order, had the said bill under consideration, & made some amendments to the same, which he handed in at the Clerk's table, where they were again read and concurred in by the House.

Ordered that the title be "an act allowing compensation to the members & officers of both Houses of the Legislature & for other purposes."—

Ordered that the Clerk do acquaint the Legislative Council therewith.

On motion of Mr. Pennington Ordered that a committee be appointed to enquire into the propriety of addressing a memorial to the post master General to alter the post route through Corydon, & compel the post rider to Vincennes to pass the post office in Corydon going & returning, or to have a seperate rider from Corydon to Louisville—and that Messrs Pennington & Hendricks be that committee[41]

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Thursday morning 30th December 1813—

The House met pursuant to adjournment.

Mr. Pennington from the committee to whom was referred the petitions of Joseph Latta reported a bill for his releif, which was read the first time, & on motion, the said bill was read the second time.

Ordered that the said bill be[*] engrossed & read a third time now; & it was engrossed and read accordingly. On the question "shall this bill pass?" It was decided in the negative.

The House resolved itself into a committee of the whole, on the bill regulating elections, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Douthitt reported that the committee had, according to order, had the said bill under consideration & made some progress therein, & desired leave to sit again—Leave granted.

[41] No report from the committee is given in the Journal. In 1815 the Corydon, Louisville, and Vincennes mail routes were joined into one. Carter (ed.), *Territorial Papers,* 8:348.

A message from the Legislative Council, by Mr. Sullivan their Secretary—Mr. Speaker, The Legislative Council have passed the bill from this House regulating the Town of Jeffersonville. They have also passed a bill to tax free persons of color—in which they desire the concurrence of this House.

The said last mentioned bill from the Legislative Council was read the first, second & third times On the question "Shall this bill pass?" It was decided in the negative.

A message from the Legislative Council, by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have rejected the bill from this House for the removal of the seat of Government.

Mr. Dunn, having obtained leave, introduced a bill[*] regulating executions & for other purposes, which was read the first time; and on motion the said bill was read the second time & committed to a committee of the whole House today.

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker—The Legislative Council have passed the bill from this House supplementary to the several acts for the Trial of small causes, with amendments, in which they desire the concurrence of this House.—

On motion The House concurred in the said amendments.—

Ordered that the Clerk acquaint the Legislative Council therewith.

Mr. Hendricks from the joint committee of conferrence respecting the amendments made by this House to the bill from the Legislative Council, authorizing certain instruments of writing to be assignable, reported that the first amendment was agreed to, & the second one disagreed to by the committee— In which report the House concurred. Ordered that the Clerk acquaint the Legislative Council therewith.

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker— The Legislative Council have concurred in the report of the committee of conferrence on the amendments made to the bill authorizing certain instruments of writing to be assignable.

The House resolved itself into a committee of the whole on the

bill regulating executions & for other purposes, & after[*] some time spent therein, Mr. Speaker resumed the Chair & Mr. McClure reported, that the committee had, according to order, had the said bill under consideration and made no amendment thereto.

The said bill was then engrossed & read the third time. On the question, "Shall this bill pass?" It was decided in the negative.

A message from the Legislative Council, by Mr. Sullivan their Secretary—Mr. Speaker— The Legislative Council have concurred in the report of the joint committee of conferrence on the amendments made by the Legislative Council to the bill from this House respecting the revinue, except as to the amendment made to the eighth section. Mr. Dunn from the committee of conferrence appointed to act with such as was appointed by the L. C. on the revinue bill, reported that they had agreed that this House adhere to their objections in part as to the amendments made by the Legislative Council to the act to reduce into one the several acts establishing a permanent revinue, and that the L. C. recede in part from their amendments, which being designated in the report, it was concurred in by the House.—

Ordered that the Clerk do acquaint the Legislative Council therewith.

A message from the Legislative Council by Mr. Sullivan[*] their Secretary—Mr. Speaker—The Legislative Council have passed the bill from this House respecting public highways, with amendments, in which they desire the concurrence of this House. On the question, "Will the House concur in said amendments?" It was decided in the negative.

On motion of Mr. Dunn Ordered that a committee of conferrence be appointed on said amendments to the bill concerning high ways, That Mr. Dunn be that committee & that the Clerk acquaint the Legislative Council therewith.

Mr. Robb, having obtained leave, introduced a bill to compel the administrators & securities of John McCanlass dec[ease]d, formerly Sheriff of Knox county, to pay into the Territorial Treasury any sum or sums of money he may owe the Territory, which was read the first time, & on motion the said bill was read the second time.

The said bill was then engrossed & read the third time & passed.

Ordered that the title be "an act to require & compel the administrators & securities of John McCanlass decd — formerly Sheriff of Knox county"

Ordered that the Clerk do carry the said bill to the L. C. & desire their concurrence therein.—[*]

On motion of Mr. Dunn. Ordered that a committee be appointed to examine & compare with the Treasurer's books all warrants issued by the auditor, & burn all such warrants as have been discharged by the Territory according to Law; And desire a similar committee on the part of the Legislative Council. Whereupon Messrs Dunn, Hendricks & Robb were appointed that committee, on the part of this House.

Ordered that the Clerk acquaint the Legislative Council therewith.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker—The Legislative Council have passed a bill supplementary to an act authorizing the grant of letters testamentary & letters of administration for the settlement of Intestate's estates, & for other purposes; in which they desire the concurrence of this House—They have appointed Solomon Manwaring a committee of conferrence on their part on the amendments to the bill concerning high ways—They have appointed Mr. Wilson as a second committee of conferrence on the amendments to the revinue bill; & desire another committee to be appointed on that subject by this House. They have also passed the resolution from this House appointing a committee to examine & compare with the Treasurer's books all warrants issued by the Auditor &c with an[*] amendment, in which they desire the concurrence of this House: And have appointed Messrs Wilson & Johnson the committee on their part.

On motion Ordered that the House concur in the amendment to said resolution—Also that Mr. Dunn be appointed the committee of conferrence on the revinue bill—And that the Clerk acquaint the Legislative Council therewith.

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Friday morning 31st December 1813

The House met pursuant to adjournment.

Mr. Hendricks from the committee for enrolled bills reported That the committee had examined the following enrolled bills Viz—A bill entitled "An act reorganizing the courts of Justice." A bill entitled "An act for the appointment of a Territorial Treasurer." A bill entitled "An act to dissolve the marriage of Elizabeth Green with Jonah Green her husband." A bill entitled "An act to amend the act entitled an act authorizing the courts of common pleas to issue writs of Habeas Corpus and certiorari in certain cases." A bill entitled "An act supplementary to the several acts for the trial of small causes." A bill entitled "An act regulating the Town of Jeffersonville."—When The Speaker signed the said bills.

Ordered that the Clerk do carry the said bills to the L. C. for the signature of the President thereof.[*]

The Speaker laid before the House a communication from the Adjutant General of this Territory,[42] which on motion was ordered to lie on the Table.

Mr. Dunn from the joint committee of conferrence on the amendments made by the Legislative Council to the bill in amendment of the act regulating public highways, made a report, which was read at the Clerks table, Whereupon

Resolved that this House doth concur in the said report of the conferrees, & that the bill be modified and amended accordingly.

Ordered that the Clerk do acquaint the Legislative Council therewith.

Mr. Dunn, having obtained leave, introduced a bill making certain specific appropriations; which was read the first time; and on motion the said bill was read the second time, & committed to a committee of the whole House on monday next.

42 General Washington Johnston was commissioned colonel in the militia of Indiana Territory and appointed adjutant general on September 10, 1813. Territorial *Executive Journal,* 201.

Mr. Noble resigned his office as Speaker to the House of Representatives.

The House proceeded by ballot to elect a Speaker, and upon examining the ballots, it was found Mr. Dunn was duly elected, who accordingly took the Chair.

Ordered that the Clerk acquaint the L. C. with the resignation of Mr. Noble, & the appointment of Mr. Dunn, as Speaker to this House.

Mr. Robb, having obtained leave, introduced a memorial[*] to Congress, for the releif of Captains Peyton's & Hargrove's companies of Rangers, which was read & passed.

Ordered that the Clerk do carry the said memorial to the L. C. & desire their concurrence therein.

On motion of Mr. Robb. Ordered that Mr. Noble be added to the Committee for enrolled bills, and that the Clerk acquaint the Legislative Council therewith.

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker—The L. C. have added Mr. Wilson to the committee for enrolled bills.

The House resolved itself into a committee of the whole on the bill regulating elections, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. McClure reported, that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read and concurred and concurred in by the House.

On motion, Ordered that the said bill be recommitted to a select committee, and that Messrs Hendricks, Pennington, and Robb be that committee.

A message from the Legislative Council, by Mr. Sullivan, their Secretary— Mr. Speaker—The Legislative Council have passed the bill from this House allowing compensation to the members of the Legislature, and for other purposes, with amendments, in which they desire the[*] concurrence of this House. On motion the House concurred in said amendments.—Ordered that the Clerk acquaint the L. C. therewith.

Mr. Montgomery, having obtained leave, introduced a bill to

dissolve the marriage of Truelove Hoskings, with Elisha Hoskings her husband, which was read the first time, & on motion, the said bill was read the second time, When The House resolved itself into a committee of the whole on the said bill, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington reported, that the committee had, according to order, had the said bill under consideration & made no amendment thereto.

The said bill was read the third time. On the question "Shall this bill pass?" It was decided in the negative.—

Mr. Pennington, having obtained leave, introduced a bill concerning Clerks of Courts, which was read the first time, and on motion the said bill was read the second time—When

The House resolved itself into a committee of the whole on said bill, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douthitt reported, that the committee had, according to order, had the said bill under consideration, & made amendments to the same, which he handed in at the Clerks table, where they were again read & concurred [*] in by the House.—

Mr. Robb moved to amend the bill under consideration by adding a second section as follows. Be it further enacted that it shall be the duty of the Clerk of the General Court to reside at the seat of Government, and on failure thereof, he shall be subject to a fine of one thousand dollars, recoverable in a summary way in the General Court, on motion of the prosecuting Attorney, for the use of the Territory.

On the question, "Will the House concur in said amendments?" It was decided in the negative.—

The said bill as amendmend in committee of the whole was read the third time. On the question, "Shall this bill pass?" It was decided in the negative.

A message from the L. C. by Mr. Sullivan their Secretary—Mr Speaker—The L. C. have rejected the bill from this House, entitled "an act in amendment of an act regulating the disposition of water crafts adrift, & of estray animals."

Mr. Dunn having been appointed on several select committees, and their reports not having been made previous to his being elected Speaker to the House, it became necessary that other per-

sons be appointed in his place on said committees—Whereupon Mr. Hendricks was appointed a committee of conferrence on the amendments to the revinue bill—Mr. Brown on the committee to examine & compare with the Treasurer's books all warrants &c—Mr. Brown to examine the reports of the Auditor & Treasurer.[*] Mr. Robb, to contract for the printing of the Laws.

And then the House adjourned 'till to morrow morning 9 O'Clock.

Saturday morning 1st January 1814.

The House met pursuant to adjournment.

Mr. Douthitt, having obtained leave, introduced a bill to remove the seat of Government from the Town of Corydon, to the Town of Charlestown, which was read the first time & on motion the said bill was read the second time. Mr. Robb moved to amend the bill under consideration by striking out the words Charlestown, in the county of Clark, throughout the bill, and inserting in leiu thereof the words Columbia,[43] in the county of Gibson.

On the question "Shall the bill be so amended?" It was decided in the affirmative.

On motion of Mr. Robb ordered that the House reconsider the said question. Mr. Robb moved to amend the bill under consideration by striking out the words Charlestown, in the county of Clark throughout the bill, & inserting in leiu thereof, the words, "the seat of Justice, in the County of Washington."

On the question "Shall the bill be so amended?" It was decided in the negative.—The Yeas & Nays being demanded by Mr. Robb—Those who voted in the affirmative are Messrs Robb, McClure, Montgomery, Pennington. Those who voted in the negative are Messrs Brown, Douthitt, Hendricks, Dunn (Speaker)—[*]

Mr. Robb moved to amend the bill under consideration, by striking out the words "Charlestown, in the county of Clarke," throughout the bill, and inserting in lieu thereof, the words "Vincennes, in the county of Knox."

On the question "Shall the bill be so amended?" It was decided in the negative.

[43] **The present town of Patoka.**

Mr. Hendricks moved to amend the bill under consideration by striking out the words "Charlestown, in the county of Clarke" throughout the bill, & inserting in leiu thereof the words, the seat of Justice in the county of Gibson."

On the question "Shall the bill be so amended?" It was decided in the affirmative. The Yeas & nays being demanded by Mr. Hendricks Those who voted in the affirmative are Messrs Hendricks, Montgomery, McClure, Pennington, Robb.—Those who voted in the negative are Messrs Brown, Douthitt, Dunn (Speaker).

The House resolved itself into a committee of the whole on the said bill, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported, that the committee of the whole had, according to order, had the said bill under consideration & made some amendments thereto, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

Mr. Robb moved to amend the bill under consideration by striking out the words "Charlestown" throughout the[*] bill, & inserting in lieu thereof the word "Jeffersonville".

On the question "Shall the bill be so amended?" It was decided in the affirmative. The Yeas and nays being demanded by a member present—Those who voted in the affirmative are Messrs Hendricks, McClure, Montgomery, Pennington, Robb, Dunn (Speaker) Those who voted in the negative are Messrs Brown and Douthitt.

The question was then put—"Shall this bill pass?" It was decided in the affirmative. The Yeas & nays being demanded by Mr. Douthitt Those who voted in the affirmative are Messrs Brown, Hendricks, Montgomery, Robb, Dunn (Speaker)—Those who voted in the negative are Messrs Douthitt, McClure, Pennington.—

Ordered that the Title be "An act to remove the seat of Government from the Town of Corydon to the town of Jeffersonville."

Ordered that the Clerk carry the said bill to the Legislative Council & desire their concurrence therein.

Mr. Hendricks from the committee for enrolled bills, reported,

That the committee had examined the following enrolled bills viz—a bill entitled "An act to require & compel the administrators & securities of John McCanlass deceased, formerly Sheriff of Knox county, to pay into the Territorial Treasury, such sums of money as are or may be due by the said John McCanlass to the Territory."[*] A bill entitled "an act to amend the act, entitled an act supplementary to the several acts regulating public roads & highways."—A bill, entitled "an act establishing & regulating the militia of the Indiana Territory." When, The Speaker signed the said bills.

Ordered that the Clerk acquaint the L. C. therewith.

Mr. Pennington, having obtained leave, introduced a bill regulating the town of Corydon, which was read the first time, and on motion the said bill was read the second time, & committed to a committee of the whole House on monday next.

Mr. Hendricks from the committee of conferrence, on the amendments made by the Legislative Council to the revinue bill, reported That the committee could not agree—The committee of this House adhered to the eighth section of said bill. On motion of Mr. Robb, The House refused to concur in the said report. The question was then put, "Will the House concur in the amendments made by the L. C. to the revinue bill?" Decided in the negative.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have passed the bill directing the mode of changing the venue, with amendments, in which they desire the concurrence of this House—

On motion Ordered that the House concur in said amendments & that the[*] Clerk acquaint the Legislative Council therewith.

Mr. Robb from the joint committee appointed by the Legislature, by joint resolution, to examine the Territorial Treasury & efface all warrants which have been paid off & received into the said Treasury according to law, reported that the said committee had, according to order, & in obedience to the requisitions of said resolution, called at the said Territorial Treasury, for the purpose of effacing the said warrants as aforesaid, but the Territorial Treasurer, positively refusing to deliver to the said joint commit-

tee the said warrants for the purpose of being effaced as aforesaid, unless the said resolution be signed by the Governor, has completely prevented the joint committee from discharging the duties, of them, by the said resolution required, as the committee did not beleive themselves authorized to use forcible measures on the occasion—Wherefore Your committee recommend the passage of an act to compel the Territorial Treasurer to exhibit to the Legislature when required, all books, papers, warrants &c belonging to his office, that the Legislature may have defased (in such manner as they may conceive most expedient) all warrants, which have been paid and received into the said Treasury agreeably to law, lest by accident said warrants might fall into the hands of Individuals, who might again present them[*] to the said Treasurer, & receive payment therefor, without being detected therein.

Mr. Hendricks from the committee to whom was recommitted the bill regulating elections, reported on the subject by bill, which was read the first time, and on motion the said bill was read the second time—When, The House resolved itself into a committee of the whole on said bill, & after some time spent therein Mr. Speaker resumed the chair & Mr. Robb reported, that the committee had, according to order, had the said bill under consideration & made no amendment thereto.

The said bill was then read the third time and passed.

Ordered that the title be "an act regulating elections." And that the Clerk carry the said bill to the L. C. & desire their concurrence therein.

And then the House adjourned 'till this afternoon.

Saturday afternoon

On motion of Mr. Hendricks Resolved that the House reconsider the resolution respecting the removal of the Secretary's office to the seat of Government, which passed this morning.[44]

Mr. Robb moved that the House concur in the said resolution. On the question, "Will the House concur in said resolution?"[*]

[44] This is probably the resolution which had passed the Council and been rejected by the House. See *ante,* 613-14, 623, 628-29. It does not appear among the session laws, though it passed both houses and was presented to the Governor for his signature. *Post,* 681, 682, 683-84, 687.

It was decided in the affirmative. The Yeas & nays being demanded by Mr. Dunn.—Those who voted in the affirmative are Messrs Douthitt, McClure, Montgomery, Pennington, Robb—Those who voted in the negative are Messrs Brown, Hendricks, Dunn (Speaker)

And then the House adjourned 'till Monday next.

Monday morning 3rd January 1814

The House met pursuant to adjournment.

A message from his Excellency the Governor, by Mr. Prather his private Secretary notifying this House that the Governor did on the 31st of December last approve & sign an act to amend the act entitled an act authorizing the courts of common pleas to issue writs of Habeas Corpus & certiorari, in certain cases.—Also an act reorganizing the courts of Justice—Also an act for the appointment of a Territorial Treasurer—Also an act regulating the Town of Jeffersonville—Also an act supplementary to the several acts for the trial of small causes.

A message from the L. C. by Mr. Sullivan their secretary—Mr. Speaker, The Governor by his private Secretary Mr. Prather has notified the L. C. That his Excellency did on the 31st December last approve & sign an act to dissolve the marriage of Elizabeth Green, with Jonah Green her husband.[*]

On motion of Mr. Hendricks—Ordered that the proceedings of this House on the revinue bill be reconsidered, & that a committee of conferrence be appointed to act with such as may be appointed by the L. C. on the subject of the amendments made to the revinue bill. Whereupon Mr. Hendricks was appointed that committee.

Ordered that the Clerk acquaint the L. C. therewith.

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker—The L. C. have appointed Mr. Johnson a committee of conferrence, to act with the committee on the part of this House, on the amendments to the revinue bill.—

On motion of Mr. Robb, the bill from the L. C. supplementary to an act authorizing the granting of letters Testamentary & letters of administration for the settlement of Intestates estates—

and for other purposes, was read the first time, & on motion the said bill was read the second & third times & passed.

Ordered that the Clerk inform the L. C. therewith.

The House resolved itself into a committee of the whole on the bill to incorporate the town of Corydon & after some time spent therein, Mr. Speaker resumed the chair and Mr. McClure reported, That the committee had, according to order, had the said bill under consideration & made no amendment thereto.[*]

The said bill was then engrossed, read a third time & passed. Ordered that the title be "an act to incorporate the Town of Corydon," and that the Clerk carry the said bill to the L. C. and desire their concurrence therein.

Mr. Noble from the committee for enrolled bills reported that they had examined an enrolled bill entitled "an act directing the mode of changing the venue."—Also a bill entitled "an act allowing a compensation to the members of both Houses of the Legislature & for other purposes." also duplicate memorials to Congress concerning the Judges of the General Court—and had found the said bills and memorials truly enrolled. When

The Speaker signed the said bills & memorials.

Ordered that the Clerk inform the L. C. therewith.

Mr. Hendricks from the committee of conferrence on the subject of the amendments to the revinue bill made a report—

On the question, "Will the House concur in said report"? It was decided in the affirmative. The Yeas and Nays being demanded by Mr. Noble Those who voted in the affirmative are Messrs Hendricks, McClure, Pennington, Robb, Dunn (Speaker) Those who voted in the negative are Messrs Brown, Douthitt, Montgomery, Noble.[*]

A message from the Legislative Council by Mr. Sullivan their Secretary—Mr. Speaker—The L. C. have concurred in the report of the joint committee of conferrence on the subject of the amendments to the revinue bill. The President of the L. C. has signed an enrolled bill entitled "an act directing the mode of changing the venue." Also a bill entitled "an act allowing a compensation to the members of both Houses of the Legislature, & for other purposes."—Also duplicate memorials to Congress concerning the

Judges of the General Court.—They have rejected the bill to incorporate the town of Corydon.

On motion of Mr. Robb—The bill from the Legislative Council for the benefit of the clerk of the General court, was read the first time, & on motion the rules of the House were dispensed with, and the bill was read the second & third times—

On the question "Shall this bill pass?" It was decided in the negative.

Ordered that the Clerk inform the Legislative Council therewith.

The House resolved itself into a committee of the whole on the bill making certain specific appropriations, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Montgomery reported that the[*] committee had, according to order, had the said bill under consideration, & made amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House.

The said bill was then engrossed, read a third time & passed.

Ordered that the title be "An act making certain specific appropriations."

Ordered that the clerk carry the said bill to the L. C. & desire their concurrence therein.

Mr. Hendricks from the committee for enrolled bills reported that they had examined an enrolled bill entitled "an act making certain instruments of writing assignable," & had found the said bill truly enrolled. When The Speaker signed the said bill.

Ordered that the Clerk acquaint the Legislative Council therewith.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The President of the L. C. has signed the act making certain instruments of writing assignable. They have passed the memorial to Congress for the releif of Captains Peyton's & Hargrove's companies of Rangers.

On motion of Mr. Noble A resolution passed appointing David Robb, Isaac Blackford, & James Brown, Walter Wilson, George R. C. Sullivan & R M. Heath or any[*] two of them to deface the warrants which had been paid & received in the Treas-

urer's office, to examine the auditor's office & books &c, & report to the present Legislature—

Ordered that the clerk carry the said resolution to the L. C. for their concurrence.

On motion of Mr. Robb Resolved by the Legislative Council & House of Representatives That the papers of Captain Hargrove, together with all other information relative to the two companies of Rangers raised by Captains Peyton & the said Captain Hargrove, be transmitted to Congress with the memorial of the Legislature upon the subject of those two companies—And then the House adjourned 'till 3 o'clock this afternoon.—

Monday afternoon

The House met pursuant to adjournment.

Mr. Noble, having obtained leave, introduced a bill fixing the time of the annual meeting of the Legislature, until altered by law, which was read the first time & on motion it was read the second & third times & passed.[45]

Ordered that the title be "an act fixing the time of the annual meeting of the Legislature untill altered by Law."—Ordered that the Clerk inform the L. C. therewith & desire their concurrence.—[*]

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker the L. C. have passed the bill from this House entitled "an act fixing the time of the annual meeting of the Legislature, untill altered by law."

Mr. Robb from the joint committee appointed to contract for the printing of the laws passed at the present session of the Legislature, reported, that the committee had, according to order, contracted with William Hendricks for the printing & delivery of the said laws agreeably to the condition of a bond, which they herewith respectfully lay before this House—Should the House concur in the contract entered into by the joint committee, they recommend, that the bond herewith submitted, be deposited with the Territorial Treasurer.

45 This act fixed the next meeting of the legislature on the first Monday in December. However, due to the confusion in the judicial system Posey convened the Assembly on August 15.

On motion, the said report was concurred in by the House.

Ordered that the Clerk inform the L. C. therewith.

Mr. Noble from the committee for enrolled bills reported that they had examined a resolution authorizing a committee to examine the Auditors office, deface warrants &c—Also an enrolled bill fixing the time of the annual meeting of the Legislature—and had found them truly enrolled. When

The Speaker signed the said resolution & bill.

Ordered that the Clerk do inform the L. C. therewith.[*]

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker, the L. C. have passed the bill from this House making certain specific appropriations, with amendments, in which they desire the concurrence of this House.—The President of the L. C. has signed the resolution appointing a committee to examine the auditor's office &c—He has also signed the bill from this House fixing the time of the annual meeting of the Legislature.—The L. C. have passed a resolution allowing compensation to R. M. Heath for candles furnished &c, in which they desire the concurrence of this House.—

The House concurred accordingly.—

And then the House adjourned 'till to morrow morning 9 O'Clock.—

Tuesday morning 4th January 1814

The House met pursuant to adjournment.

On motion of Mr. Noble—Ordered that the resolution introduced by Mr. Robb "requiring the Governor to exercise the functions of his office at the seat of Government & repealing a resolution of the Legislature at last session, authorizing the Governor & Secretary of the Territory to reside in any part of the Territory." Together with the proceedings of this House on the subject of the[*] said resolution of Mr. Robb, be stricken from the Journals. Mr. Robb gave notice that he should protest against the said resolution of the House, to expunge the said proceedings from the Journals. The Yeas & Nays being demanded by Mr. Robb on the passage of the said resolution introduced by Mr. Noble—Those who voted in the affirmative are Messrs Brown,

Douthitt, Montgomery, Noble, Dunn(Speaker) — Those who voted in the negative are Messrs McClure, Pennington, Robb.

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have passed the bill from this House, to regulate elections.—They have rejected the bill from this House for the removal of the seat of Government to Jeffersonville.

Mr. Noble introduced a resolution for the releif of the auditor & Treasurer, which was read & passed.

Ordered that the Clerk carry the said resolution to the L. C. & desire their concurrence therein.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have passed the resolution from this House for the releif of the auditor & Treasurer.

Mr. Noble from the committee for enrolled bills reported that the committee had examined an enrolled resolution for the releif of the Auditor & Treasurer,[*] and had found said resolution truly enrolled, When The Speaker signed the said resolution.

Ordered that the Clerk acquaint the L. C. therewith.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have appointed Mr. Hendricks a committee to wait on the Governor, & inform him that the Legislature have finished the business before them.

Mr. Noble from the committee for enrolled bills reported that the committee had examined a bill entitled "An act to regulate elections"—Also a bill entitled "An act supplementary to an act to renduce into one the several acts to establish a permanent revinue."—Also a bill entitled "An act making certain specific appropriations."—also a resolution to remove the Secretary's office to the seat of Government—Duplicate memorials to Congress for the releif of the Ranging companies of Captains Peyton & Hargrove—and had found them all truly enrolled.—When—The Speaker signed the said bills & memorials—

Ordered that the Clerk inform the L. C. therewith.

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker—The President of the Legislative Council has signed several enrolled bills entitled[*] as follows—"An act to regulate elections."—"An act supplementary to an act to reduce

into one the several acts to establish a permanent revinue."—"An act making certain specific appropriations."—a resolution for the removal of the Secretary's office—Duplicate memorials to Congress for the releif of the ranging companies of Captains Peyton & Hargrove.

And then the House adjourned 'till to morrow morning 9 O'Clock.

Wednesday morning 5th January 1814.

The House met pursuant to adjournment.

Mr. Robb read his protest to the resolution of the House for striking from the Journals the resolution & proceedings on the subject of obliging the Governor to execute the duties of his office at the seat of Government—which protest he moved to be entered at length upon the Journals—and the motion was overruled by the House. After the question of concurrence in said motion was determined, Mr. Robb moved that the Yeas & nays be taken, & his motion was seconded by Mr. McClure—which motion was overruled by the House.

Mr. Robb, having obtained leave, introduced the following resolution.

Resolved that whereas considerable difficulties & inconveniences, together with some necessary[*] expense has accrued during the present session of the Legislature, in consequence of the Governor & Secretary of the Territory of the Territory residing & exercising the duties of their offices, so remote from the seat of Government, Therefore resolved by the Legislative Council & House of Representatives, that from & after the first day of May next, it shall be the duty of the Governor to exercise the functions of his office at the seat of Government; and be it further resolved that a Resolution authorizing the Governor & Secretary of the Territory to reside in any part of the Territory, approved the twelvth day of March, one thousand eight hundred and thirteen, be and the same is hereby repealed.

On the question, "Will the House concur in said resolution?" It was decided in the negative. The Yeas & nays being demanded by Mr. Noble. Those who voted in the affirmative—are Messrs McClure, & Robb—Those who voted in the negative are Messrs

Brown, Douthitt, Montgomery, Pennington, Noble, Dunn (Speaker).

Mr. Noble obtained leave of absence for the session.

And then the House adjourned 'till this afternoon—

Wednesday afternoon—

The House met pursuant to adjournment.

Mr. Robb from the committee to whom was referred[*] the reports of the Auditor & Treasurer, find that the said reports, so far as they embrace the transactions in those offices are correct, but that from the manner in which the business has been conducted in those offices little can be ascertained except that there is no money in the Treasury, and that the late Auditor has not opened accounts against the Collector of the county of Knox, for the Years 1810-1811—nor against the Collector of the county of Dearborn for the Year 1811—Or the present Auditor against the Collector of the County of Clark for the Year 1813, in consequence of the Listers in that county having refused to assess any tax in that county—Wherefore Your committee will just observe that they are unable from the confused state of business in those offices, to ascertain any thing except what appears from the reports themselves.

Mr. Robb from the joint committee appointed to call at the Territorial Treasury & deface such warrants as have been paid & received into the Treasury agreeably to law—have according to order, called at the said Treasury & have defased (agreeable to the requisitions of the resolution) all warrants produced by the Territorial Treasurer, for that purpose.

Mr. Robb from the joint committee who were appointed to examine the situation of the Auditors books, papers &c belonging to his office reported that the committee[*] have performed that duty and find that the late Auditor has not kept regular accounts against some of the Collectors of the Territorial tax, and from the books kept by the late Auditor alone, it is impossible to ascertain what amount of money is due to the Territory prior to the Year 1813—Your committee therefore recommend that a law be passed

to compel the former Auditor to make out the accounts during the time he held the office.—

And then the House adjourned 'till to morrow morning.

Thursday morning 6th January 1814

The House met pursuant to adjournment.

Mr. Robb, having obtained leave, introduced a resolution to authorize & require Wiliam Prince, late Auditor of public accounts to make out an account against such collectors, as he has neglected to make out accounts against.—[46]

In which resolution the House concurred.

Ordered that the Clerk carry the said resolution to the L. C. & desire their concurrence therein.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have passed a resolution on the subject of the adjournment of the Legislature, in which they desire the concurrence of this House.[*] Which resolution was read the first time, & on motion of Mr. Pennington the rules of the House were dispensed with, & the said resolution was read the second time. On motion of Mr. Robb the said resolution was amended by striking out the words "both Houses do now adjourn without day," & inserting in leiu thereof, these words "That unless some communication is received from the Governor between the present time & six o'Clock this evening, both Houses do then adjourn without day."

Ordered that the Clerk acquaint the L. C. therewith & desire their concurrence in said amendment.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have passed the resolution from this House for authorizing & requiring William Prince, late auditor of public accounts to make out an account against such collectors, as he has neglected to make out accounts against.

[46] Prince served as territorial auditor from April 13, 1810, until January 20, 1813, and from February 8, 1813, until some time prior to June 15, 1813. General W. Johnston served the intervening few days, and Davis Floyd succeeded Prince on June 15. Territorial *Executive Journal,* 159, 189, 197.

Mr. Brown was added to the committee for enrolled bills.

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker—The L. C. have concurred in the amendments made by this House to the resolution on the subject of the adjournment of the Legislature.

On motion of Mr. Robb ordered that the said resolution be spread at length on the Journals. Which resolution is as follows[*]

Whereas both Houses of the Legislature did on the 4th Inst inform the Governor that they had got through their Legislative business and were ready to be prorougued, and whereas the unnecessary expence of near fifty dollars per day doth arise to the Territory by reason of the Legislature being kept in session—All of which evils & inconveniences doth arise from the Governor's leaving the seat of Government during the session of the Legislature, and going to Jeffersonville, & the Legislature having to send their committee of enrolled bills to that place, to lay the bills before the Governor for his approbation or rejection.—Be it therefore resolved that in order to save any farther expence to the Territory at the present session That the president of the L. C. & the Speaker of the H. R. be & they are hereby authorized to receive the report of the Governor, of the laws by him signed or rejected, & his order of prorogation or dissolution as the case may be & communicate the same to the clerks of their respective houses, who shall insert the same on their journals, in the same manner as if the two houses were in Session.—Be it further enacted that unless some communication is received from the Governor between the present time & six O'Clock this evening, both Houses do then adjourn without day.—[*] And then the House adjourned 'till Six O'Clock this evening, unless a message from his Excellency the Governor should sooner arive, in which case the House to meet upon the first information of such message.

Thursday afternoon Two O'Clock—The House met—

Mr. Hendricks from the committee for enrolled bills reported that on the fifth day of Jany inst several bills entitled as follows were presented by him to his Excellency the Governor for his approval—

"An act supplementary to an act authorizing the granting of letters testamentary & letters of Administration for the settlement of Intestate estates & for other purposes."
"An act supplementary to an act to reduce into one the several acts establishing a permanent revinue."
"An act making certain specific appropriations."
"A joint resolution to remove the Secretary's office to the seat of Government."
"A resolution making an appropriation to R. M. Heath"—
"An act to regulate elections in the Indiana Territory."
"An act authorizing certain instruments of writing to be assignable"—
"An act directing the mode of changing the venue".
"An act allowing compensation to the members of both Houses of the Legislature & for other purposes."—[*]
A memorial to Congress respecting the Judges of the General court.—
A resolution appointing a committee to examine the Treasurer's office.
"An act fixing the time of the annual meeting of the Legislature untill altered by law."

Mr. Brown from the committee of enrolled bills reported that the committee had examined a resolution authorizing & requiring William Prince, late auditor of public accounts, to make out an account against such collectors, as he has neglected to make out accounts against, & had found said resolution truly enrolled—When—The Speaker signed said resolution.

Ordered that the clerk inform the Legislative Council therewith.

Mr. Brown by joint resolution appointed to present the said resolution to his Excellency the Governor for his approbation.

A message from his Excellency the Governor by Mr. Floyd, notifying this House that he did on the 3rd Inst. approve and sign "an act supplementary to the several acts regulating public roads and highways."—"an act to require & compel the administrators & securities of John McCanlass decd. late Sheriff of Knox County to pay[*] into the Territorial Treasury, such sums of money as

are or may be due by the said John McCanlass to the Territory."
"An act directing the mode of changing the venue."
"An act allowing a compensation to the members of both Houses of the Legislature & for other purposes"
"An act fixing the time of the annual meeting of the Legislature, until altered by law."
A resolution concerning the salary of Auditor &c—
"An act to regulate elections."—
A resolution appointing a committee to examine the Treasurer's office &c
"An act making certain specific appropriations."
"An act supplementary to an act entitled an act to reduce into one the several acts to establish a permanent revinue."
"A memorial to congress concerning the Judges of the General court."—

Ordered that the Clerk inform the L. C. therewith.

On motion of Mr. Brown The House adjourned without day—[*]

LEGISLATIVE COUNCIL

JOURNAL OF THE LEGISLATIVE COUNCIL Legislature of the Indiana Territory—Begun and held at the Town of Corydon, in the Territory of Indiana on monday the sixth day of December in the year of our Lord one thousand Eight Hundred and thirteen—[1] On which day, being the day appointed by an act of the Legislature of the Territory for the meeting of the present Legislature—The following members of the Legislative Council appeared and took their seats—To wit—

Clark County—James Beggs. President of the L. C
Harrison County—John Harberson
Dearbourn County—Solomon Manwaring
Knox County—John Johnson and Walter Wilson

[1] From manuscript Journal in Archives Division, Indiana State Library. Excerpts appeared in the Vincennes *Western Sun,* February 12, 19, 1814, and apparently the complete Journal appeared in the Madison *Western Eagle* between December 17, 1813, and April 1, 1814. *Ante,* 611n.

George R C. Sullivan, appeared to discharge the duties of Secretary to the Legislative Council, and was unanimously accepted of by the House A quorum, being present—The House proceeded by ballot to the choice of a Doore Keeper, and upon examining the ballots, it appeared that Patrick Shields was duly elected

On motion A committee was appointed[*] consisting of Wilson and Harberson, and ordered to report to the House of Representatives, that a quorum is assembled, and are ready to proceed to Legislative busyness—and that the house have continued George R. C. Sullivan as Secretary, and have elected Patrick Shields doore keeper

On Motion of Mr. Johnson Mr Harberson was appointed a standing committee of ways & means on the part of the House to act with the committee of ways and means to be appointed by the House of Representatives—Mr Manwaring a committee of enrolled Bills, to act with such as may be appointed on the part of the House of Representatives Ordered that the Secretary do acquaint the House of Representatives therewith

On Motion of Mr. Johnson Ordered that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the House of Representatives to wait on the Governor and inform him, that a quorum is assembled in both houses of the Legislature, and are ready to receive any communication, he may be pleased to make to them, and the same was appointed consisting of Mr Manwaring—Ordered that the Secretary inform the House of Representatives thereof[*]

A message from the House of Representatives by Mr Blackford—Mr President—The House of Representatives have formed a quorum and have elected Isaac Blackford Clerk Patrick Shields doore keeper and are ready to proceed to busyness—and have elected James Noble Speaker of the House of Representatives, and have appointed Denis Penington a committee on their part to act with the committee of Ways and means, appointed by this House, and have appointed Mr Dun, a committee, to wait upon the Governer, with the committee appointed on the part of this house, to inform him that quorum is assembled, in both houses, and are ready to receive any communication, he may have to make, and

Mr Hendricks a committee, of Enrolled Bills, to act with the committee appointed on the part of this house—and then he withdrew

On Motion Mr Johnson, was appointed a committee, to exam into the unfinished busyness of the last session, and that he report thereon

Mr Manwaring from the committee appointed to wait on the Governor; Reported he had according to order performed that duty, and the Governor gave him for answer that he would meet both houses in the[*] Representative Chamber immediately Both Houses of the Legislature having assembled—in the Representative Chamber—The Governor appeared in person, and delive[re]d the following communication[2]

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES

The period which calls you in your Legislative capacity having arrived, it is with pleasure I give my attendance—and will cheerfully cooperate with you, in exerting to promote the public good and welfare of the Territory

The present crisis is awful and big with great events—our Land and Nation is involved in the common, callamity of war—But we are under the protecting care of the Benificent being, who has on a former occasion, brought us in safety through an arduous struggle, and placed us on a foundation of Independance, freedom and happiness—He will not suffer to be taken from us, what he in his great wisdom has thought proper to confer and bless us with. If we make a wise and virtuous use of his good gifts—In the present contest with Great Britain, in contending for the preservation of our dearest rights it would be improper to omit our supplications to that almighty being, who rules over the Universe who presides in the Councils of nations, and whose providential aids can supply[*] every human defect—We have great reason to be thankful to him for the success of our arms by Land and water—

[2] A signed copy of this message is in the English Collection, Indiana Historical Society Library. There is very little variation between this document and the Journal version.

Although our affairs, at the commencement of the war, wore a gloomy aspect, they have brightened and promise a certainty of success if properly curected and conducted, of which I have no doubt, as the President and heads of departments of the General Goverment, are men of undoubted talents, patriotism and experience, and who have grown old in the service of their Country— We have reason to be thankful, that we have such men at the heads of our affairs— Our army and navy have brought to view officers of the greatest bravery, patriotism skill and enterprise— Our Soldiers and seamen, though almost without discipline have in many instances fought with as much bravery and perseverance, as the most hardy veterans— If there is so great promise, at so early a period of the war, What must be our prospects, should the war continue? our cause is Just, and if we have virtue and constancy, what is there to cause doubt of success— It must be obvious to every thinking mind that we were forced into the war— every measure consistent with honor, both before and since the declaration of war has been tried to be upon amicable terms with our enemy— If they will not listen to Terms of reciprocity and be at peace with us, where is[*] the man, who is a friend to his country, that will not give a helping hand and use his best exertions to preserve and maintain inviolate the just rights of his country It is to be hoped there is none such

I now come to the part we are more immediately interested in — Upper Canada is nearly or altogether in possession of the armies of the United States— This is a happy event for the peace and security of this western Country— we partake in a very essential degree of the blessings—The communication being cut off between the British and Indians will ensure peace with the latter and I hope and trust, what has caused our Country to expend so much Blood and treasure will never be resigned or relinquished— It is essentially nesserary that the united States should hold possession of upper Canada, at least, and true policy would dictate to our Goverment to get possession, and keep it, of both upper and Lower Canada Making the Citizens free and Independant, tho' to form a part of the Union—I could wish, and am fully of opinion that it would be the interest of the United States; if the whole of the

British possessions in North america, were independant of Great Britain

There is a bill before Congress introduced by Mr Kilbourn of the state of Ohio purporting to lay off a district of Country upon our North Western frontiers, streaching from[*] the Connecticut reserve and lake Erie to the Mississippi, and giving a certain quantity of Land as a donation to all who may become actual residents— Should the bill pass into a Law, there can be very little doubt of the speedy settlement of the district, which together with upper canida in our possession— will form a barrier that may bid defiance to any Indian Hostilities, on any of our frontiers east of the Mississippi, and no doubt will afford protection to the Missouri Territory[3]

I will now call to your attention such subjects as require the deliberations of your present meeting—much depends upon you Gentlemen in bringing to maturity such laws as will have a tendency to render equal Justice to each individual of the community, and promote the General welfare of the Territory—you, who reside in various parts of the Territory, have it in your power to understand what will [be] to its general and local advantage

[3] James Kilbourne, representative from Ohio, submitted the following resolution to the House of Representatives on June 21, 1813: "*Resolved,* That a committee be appointed to inquire whether any, and if any what, provision ought to be made for the more effectual and economical protection of the Northwestern frontier against the incursions of savages and other enemies, by granting donations of land to actual settlers on land adjoining the Northern and Western boundary of the State of Ohio, and of the Territories of Indiana and Illinois." The resolution was amended by adding Missouri to the territories, and a committee was appointed. On July 13 Mr. Kilbourne introduced a bill for the more effectual protection of the northwestern frontier, which was read twice and committed. No further action is recorded. *Annals of Congress,* 13 Congress, 1 session, 311, 312, 434.

On January 5, 1814, Kilbourne introduced a second resolution, much the same as the first, which was referred to the committee on military affairs. A bill was brought in on March 1, read twice and committed, but failed on a vote to consider on April 13. *Ibid.,* 13 Congress, 2 session, 849-50, 1767, 2003, 2016. See letter from Edward Tiffin, commissioner of the General Land Office, to James Kilbourne, March 9, 1814, in which Tiffin gives his opinion on the probable effect of the proposed bill on the sale of public land. Carter (ed.), *Territorial Papers,* 8:294-96.

The Judiciary system would require a revisal, and amendment—The Militia Law is very defective, and requires your immediate attention—It is necessary to have good roads and highways in as many directions through the Territory as the circumstances and situation of the inhabitants will admit of, it would contribute very much to promote the settlement and improvement of the Territory Attention to education is highly necessary, there is an appropriation made by Congress in lands for the purpose of establishing public schools—It comes[*] now within your province to carry into operation the designs of the appropriation—The situation and state of the treasury is a necessary subject for your consideration A statement (marked A) of the disbursements of the appropriation made by the Legislature at their last session constituting a contingent fund subject to my disposition is herewith transmitted

All the necessary documents relative to the situation of the Territory, and other subjects as they may occur, shall be communicated to you from time to time through the course of the session—

I wish you a pleasant session, recommending harmony and dispatch

On motion Ordered that a committee be appointed to draft an answer, to the Governers communication and report the same to the House for approbation—And the same was appointed consisting of Johnson and Manwaring—

On Motion the House adjournd to meet again to morrow at 10 Ock

Tuesday 7th December 1813

House met pursuant to adjournment

A motion was made by Mr Johnson and seconed—That the following orders be made, which was concured in by the House—Ordered, that so much of the Governers communication as relates to the Militia Law[*] of the Territory be refered to a select committee, and that they report by bill or otherwise—and the same was appointed consisting of Wilson and Harberson—Ordered that so much of the Governers communication as relates to the Judiciary system be refered to a select committee, and that they

report, by Bill or otherwise and the same was appointed consisting of Johnson and Manwaring Ordered, that so much of the Governers communication as relates to the subject of Education, be refered to a select committee, and that they report Thereon—and the same was appointed, consisting of Johnson & Manwaring Ordered—that so much of the Governers communication as relates to the revision of the road Law be refered to a select committee and the same was appointed consisting of Manwaring and Wilson—

On Motion of Mr Johnson Ordered that the Doore keeper, be directed to call upon the Governer and request of him a copy of the Laws of the Territory and the Laws of the United States passed at the session of Congress in the year 1810, also the Journals of Congress for the use of the Legislative Council

Mr Johnson from the committee, appointed, to examin into the unfinished busyness of the last session—Reported that he had according to order performed that duty and find that a bill regulating the Militia of the Territory, is the only unfinished busyness of the last session—

On Motion of Mr Johnson[*] Ordered that the bill regulating the militia, layed over by the last Legislature be refered to the committee, appointed on the part of the Governers communication relative to the Militia Law

Mr Johnson chairman of the committee appointed to draft an answer to the Governers communication Reported that the committee have discharged that duty—and submit the following address to the consideration of the House

To the Governer of the Indiana Territory[4]

Sir The Legislative Council, concur with you in regreting that the american nation have at this early period of her existance been forced into a war with great Britain—A state of war of all others is the worst for a Republic—The catalogue of vice attendant on a state of war, ultimately tendes to unnerve, the energies of virtue and finally reduce the nation to slavery;—this is a slow but

[4] A copy of this, in the hand of George Rogers Clark Sullivan, is in the English Collection, Indiana Historical Society Library.

a certain and fatal consequence of a protracted war Yet it is better for a nation to submit to this evil than basely shrink from its post of honor and duty and not recoil at the indignities practised upon it by a foreign nation—We need not fear the result of the present or a future war, while the officers of our goverment are filled with talents and integrity With pleasure we shall give the necessary attention to the various subjects you have communicated for our consideration

On Motion The House concurred in the answer[*]

On Motion of Mr. Johnson Ordered, that a committee be appointed to wait upon the Governer, and know at what time and place—he will appoint to receive the answer of this house to his communication to both houses of the Legislature at the opening of the present session, and the same was appointed consisting of Mr. Wilson

Mr. Wilson from the committee, appointed to wait upon the Governer, to know, when and where he would receive the answer of the Legislative Council, to his communication to both houses of the Legislature—Reported that according to order he had discharged that duty, and the Governer gave him for answer he would meet the Legislative Council to morrow at 12 oclock in the Legislative chamber—On Motion made and leave given Mr Johnson laid before the house a petition from the last Grand Jury of Knox, praying an amendment to the act, to prevent dueling —which was read at the secretaries Table—[5]

On Motion Ordered that the petition just read, be refered to a select committee and that they have leave to report by Bill

[5] This move by the Grand Jury of Knox County was probably prompted by the duel fought on July 6, 1813, between Parmenas Beckes, Knox County sheriff and militia officer, and Dr. Edward Scull, in which Beckes was killed. Vincennes *Western Sun,* July 10, 1813. The *Sun* also reported a duel fought on October 14 between Irwin Wallace and Thomas H. Richardson of the U. S. Army, in which Richardson was killed. Issue of October 16, 1813. The law to prevent dueling passed at this session set forth an oath to be taken by territorial officers, both civil and military, members of the legislature, and attorneys, that they had in no manner whatsoever participated in a duel after February 1, 1814. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 442-45.

or otherwise—and the same was appointed consisting of Johnson and Manwaring

On motion—The House adjourned to meet again to morrow[*]

Wednesday 8th December 1813

House met agreeable to adjournment

Mr. Johnson, chairman of the committee to whom was refered the Petition of the last grand Jury in Knox County, upon motion made and leave given introduced a Bill more effectual to prevent dueling, which was read at the Secretaries Table—On Motion of Mr Manwaring—The same was read the second time On Motion of Mr Manwaring—Ordered that the same be read the third time to morrow—

On Motion of Mr Johnson—The House came to the following Resolution—Resolved, that this House do adopt the Joint Rules of both Houses of the Legislature of the last Session—for the Governing of the present Session—And that the Secretary of this House do acquant the House of Representatives therewith, and desire there concurrence thereto—

The Governer appeared, consistantly with the Report of the committee—who waited upon him to know when and where he would receive the answer of this House, to his communication to both Houses of the Legislature—and President Beggs delivered the address of the House—To which the Governer made the following Reply—

Gentlemen of the Legislative Council I am happy to find in your answer to my communication, that you approve of the sentiments therein contained, and that you discover a readiness in giving the nessesary attention to the various subjects recommended for your consideration.

On Motion, the House adjourned to meet again to morrow—[*]

Thirsday 9th December 1813—

House met agreeable to adjournment

A message from the House of Representatives by Mr. Blackford their Clerk—Mr. President I am directed by the House of

Representatives to inform this House that the House of Representatives, have concurred in the Resolution of the Legislative Council adopting the Joint rules of the last session of the Legislature of the Territory, for the Governing of the present session—and that the House of Representatives have passed a Bill entitled an act, for dissolving the marriage of David Barker and wife and desire the concurrence of this House—and then he withdrew—The Bill just from the House of Representatives, was taken up and read the first time at the Secretaries Table—On Motion of Mr Harberson, Ordered that the same be read the second Time Tomorrow

An Act more effectually to suppress the practice of dueling, was read the third time—To which several amendments were proposed by Mr Johnson, and concurred in by the House

On the question that the same do pass, with the amendments—It was carried in the affirmative Ordered that the Secretary of this House do acquaint the House of Representatives therewith and desire their concurrence thereto

Message from the House of Representatives by Mr Blackford their Clerk—Mr President—The House of Representatives have passed the following Resolution

Whereas it is necessary in all Free Goverments, that the constituants of every Representative, should be[*] informed of his Acts Votes &c That they be enabled to Judge of his qualifications, and usefulness—and wherea[s] it has been offered by William Hendricks one of the editors of the Western Eagle, a paper published in Madison Indiana Territory, to print the Journals of the Legislative Council and House of Representatives in the colums of his paper free of all expence (Postage excepted) and from the extensive circulation of the western Eagle our Journals will reach every quater of our Territory In order more fully to carry this order into effect and have an amicable understanding—Between the Legislative Council and House of Representatives—Be it therefore resolved by the Legislative Council and House of Representatives, that when a Law is passed at the present Session making specific appropriation for the present year an allowance shall be made the Editors of the Western Eagle for all postage, in trans-

miting the Journals to Madison Indiana Territory[6]—To which they desire the concurrence of this House—On Motion for the concurrence of the House—It was carried in the affirmative Ordered that the Secretary of this House do acquaint the House of Representatives therewith

On Motion—The House adjourned to meet again to morrow —at 9 Ock—[*]

Friday 10th December 1813

On motion made and leave Given—Mr Johnson introduced a Bill, authorising persons to recover money in certain cases, and for other purposes which was taken up and read the first time On Motion of Mr. Johnson—Ordered that the same be now read the second time—Ordered that the same be read the third time to-morrow

The Bill Entitled an act to dissolve the marriage of David Barker and wife, from the house of Representative, was read the second time—Ordered that the same be read the third time to morrow—

On Motion made and leave given, Mr Wilson, introduced a Joint Resolution, to remove the Secretaries office of the Territory to the Town of Corydon, which was taken up and read the first time On Motion—Ordered that the same be now read the second & third time On the question that the same do pass—It was carried in the affirmative—Ordered that the Secretary of this, do acquaint the House of Representatives therewith

On Motion—The House adjourned to meet again to morrow at 9 Ock[*]

Saturday 11th December 1813

Message from the House of Representatives by Mr. Blackford, their clerk—Mr. President—I am directed to inform this house, that the House of R— have passed a Bill Entitled an act for the Relief of David Hilis late Lieutenant Colonel of the 6th Regiment—and desire the concurrence of this house thereto—, On Motion, Ordered that, the Bill from the House of Representa-

[6] See *ante,* 611n.

tives, Be taken up and read the first and second time—Ordered, that the same be read the third time on monday next

The Bill, introduced in this house authorising persons, to recover money in certain cases and for other purposes, was taken up and read the third time—To which several amendments were proposed by Mr Wilson, and concurred in by the house And on the question that the same do pass—It was carried in the affirmative—Ordered that the Secretary of this House do acquaint the House of Representatives therewith, and desire their concurrence, thereto

Mr Wilson presented the petition of Arabella Davison, praying a divorce from her husband Samuel Davison, which was read at the[*] Secretaries Table—Ordered that the said petition do lie on the Table

Message from the House of Representatives by Mr. Blackford their Clerk—Mr President—The House of Representatives have a passed a Bill Entitled an act, appointing commissioners to fix the seats of Justice in the Counties of Gibson and Warrick, also a Bill Entitled an act, for the Benefit of Edmond Hogan & Thomas Neely and desire the concurrence of this House thereto

The Bill from the house of Representatives Entitled an act to dissolve the marriage of David Barker and wife, was read the third time On the question that the same do pass It was carried in the affirmative

Ordered that, the Secretary of this House do acquaint the House of Representatives therewith—

On Motion—The Bill from the House of Representatives, appointing commissioners, to fix the seats of Justice in the Counties of Gibson and warrick, was read the first and second time
On Motion of Mr Wilson—Resolved, that the rules of the house be dispensed with, and that the said Bill be now read the third time To which several amendments were proposed by Mr Wilson and concurred in by the House On the question that the same do pass It was carried in the affirmative

Ordered that the Secretary acquaint the House of Representatives therewith[*]

On Motion—The Bill from the House of Representatives,

Entitled an act for the Benifit of Edmond Hogan and Thomas Neely, was read the first and second time—Ordered that the same be read a third time on monday next—and then the House adjourned to meet on Monday next, at 9 Ock in the morning

Monday 13th December 1813

On Motion made and leave given, Mr. Johnson, introduced a Bill, authorising, the Collectors of Tax—to make deeds in certain Cases, which was read the first time On motion of Harberson—Ordered that the same be read the second time on wednesday next

On Motion made and leave given—Mr Johnson introduced a Bill, for granting appeals in certain cases, which was read the first time, Ordered that the same be read the second time to morrow

The Bill, from the House of Representatives, Entitled an act for the Benifit of Edmond Hogan and Thomas Neely was taken up and read the third time A motion was made by Mr. Wilson and seconded that the Bill before the house, be amended, by adding the following to the end of the first section—Provided however that nothing herein shall be so construed as to prevent the Court of common pleas of said County from erecting a bridge across said River, after the Term of seven years at any place where a public road may cross— and the question Taken thereon It was lost in the negative A motion was then made by Mr Wilson and seconded to strike out the first second third and fourth line, in the fourth section—On the question for the Concurrence of the House—it was also lost in the negative—yea 1 nays 4 Yeas and nays called for were as follows[*] yea—Wilson—alone—Nays Beggs—Johnson Harberson and Manwaring—

A motion was then made by Mr Johnson & seconded That the Bill under consideration be amended by strikeing out after the word, the, in the fourth line, in the fourth section, the words, Lands of the said Hogan and Neely, and insert in lieu thereof—quarter section of land now owned by the said Hogan and Neely, adjoining the Town of Columbia on patoca—The question Taken for the concurrence of the House—It was carried in the affirmative

unanimously—On the question that the same do pass with the amendment—It was carried in the affirmative—yeas 4—nay 1 yeas and nays called for—were as follows—Yeas Beggs—Johnson Harberson and Manwaring—Nay Wilson

Ordered that the Secretary acquaint the House of Representatives therewith, and desire their concurrence to the amendment

Mr. Manwaring from the committee of enrolled Bills—Reported that the committee have examined, the engrossed with the enrolled Bill appointing commissioners to fix the seats of Justice in the Counties of Gibson and Warrick, also a Bill to dissolve the marriage of David Barker and paulina his wife—, and find the same duly enrolled—

A message from the house of Representatives by Mr Blackford their Clerk—Mr President—The house of representatives have passed a Bill, regulating the [*] Town of Brookville, also a memorial to Congress praying a relief for several militia companies of the Territory, and desire the concurrence of this house The Speaker—has signed an act, to dissolve the marriage of David Barker and paulina his wife, also an act, appointing commissioners to fix the seats of Justice in the Counties of Gibson and Warrick and desire the signature of the President of this House Whereupon the President signed the same—Ordered that the Secretary acquaint the H of R therewith

The Bill from the House of Representatives Entitled an act for the Relief of David Hillis, late Lieutenant Colonel of the 6th Regiment, was taken up and read the third time—and passed—Ordered that the Secretary acquaint the house of Representatives therewith

The memorial to Congress, from the Hous of Representatives praying relief for certain companies of Militia, was taken up and read the first and second time—On Motion, for concurrence It was carried in the affirmative

The Bill from the House of Representatives, Entitled an act, regulating the Town of Brookville, was read the first time—Ordered—that the same be read the second time to morrow—and then the House adjourned untill to morrow morning 9 Ock

Tuesday 14th December 1813

A message from the House of Representatives by Mr Blackford their clerk—Mr. President—The House of Representatives have passed a Bill, from this house Entitled an act, more effectually to prevent dueling, to which they have made several amendments, and desire the concurrence of this house and than he withdrew—[*]

Mr. Manwaring from the committee of enrolled Bills, Reported that the committee had examined, the enrolled with the engrossed memorial to Congress praying relief for certain Militia companies, therein mentioned, and find the same duly enrolled.

A message from the house of Representatives by Mr. Blackford their clerk—Mr President, I am directed by the house of Representatives, to inform this house, that the speaker of their house, has signed a memorial to Congress in favour of certain companies of Militia, and desire the signature of the President of this house—

Whereupon, the President signed the same—Ordered, that the Secretary acquaint the House of Representatives therewith

The Bill, introduced in this house, granting appeals in certain cases—was taken up and read the second time—Ordered that the same be read the third time to morrow

The Bill from the House of Representatives, Entitled an act regulating, the Town of Brookville, was read the second time

On motion, of Mr. Manwaring—Ordered that the same be read the third time on Friday next

A message from the House of Representatives by Mr. Blackford their Clerk—Mr President—The House of Representatives have passed a Bill, Entitled an act to amend the act, regulating the admision and practice of attornies and Counsellors at Law, and for other purposes, also a Bill, Entitled an act to amend the act, as to proceedings in Ejectment Distress, and Tenants at will holding over—and also a Bill Entitled an act, authorising the Judges of the Court of common pleas to hold special Courts, for the purposes therein named—To which they desire the concurrence of this house

Mr Johnson presented, the petition of sundry inhabitants of Clark & Harrison Counties, praying a new County to be stricken

of the said Counties which was read at the Secretaries Table[*] on Motion of Mr. Manwaring—Ordered that a select committee, be appointed on the petition just introduced by Mr Johnson, and that they report by Bill or other wise and the same was appointed, consisting of Mr Manwaring and Harberson

On Motion of Mr. Wilson—The House proceeded to consider the amendments made by the House of Represented to the Bill from this House Entitled an act more effectually to prevent dueling—and after some time spent therein The question was put for the concurrence of the house to the amendments and it was determined in the negative

On Motion of Mr. Wilson—Ordered that the secretary acquaint the House of Representatives therewith, and desire a committee of conference thereon—and that a manager be appointed on the part of this House—and Mr Johnson was appointed that manager—

Mr. Manwaring, from the Committee, appointed, on the petion of sundry inhabitants of Clark & Harrison—Reported a Bill, for the formation of a new County out of the Counties of Clark and Harrison, which was read the first time Ordered—that the same be read the second time to morrow—

A message from the House of Representatitves by Mr Blackford their Clerk Mr. President—The House of Representatives, has appointed—Mr Dun a committee, of conference, on the Bill, more effectually to prevent dueling—and then the House adjourned untill to morrow morning 9 ock[*]

Wednesday 15th December 1813

On Motion and leave given—Mr Johnson submited the following Resolution—to the consideration of the House—Resolved by the Legislative Council and House of Representatives, that a Joint committee be appointed, to examine the papers and Books of the offices of the auditor and Treasurer of the Territory and that the said committee report the situation of the accounts as kept in the said offices, and such other circumstances as the said committee, may deem proper to report—On Motion of Mr. Wilson—The House adopted the resolution—On Motion The

committee on the part of the house was appointed, consisting of Wilson and Johnson—Ordered that the Secretary, acquaint the House of Representatives therewith

On Motion made and leave given—Mr. Johnson, introduced a Bill, requiring the Clerks of the Court of common Pleas, to make out an account, current of the debts due by and to the County, which was read the first time—Ordered, that the same be read the second time to morrow

A message from the House of Representatives by Mr Blackford their clerk—Mr President—The speaker of the House of Representatives, has signed an act for the relief of David Hillis late Lieutenant Colonel of the 6th Regiment—also an act for the Benifit of Edmond Hogan and Thomas Neely—Whereupon—Mr President signed the same—Ordered, that the Secretary acquaint the House of Representatives therewith—

The Bill introduced in this house granting appeals in certain cases, was read the third time, and passed

Ordered, that the Secretary acquaint the House of Representatives therewith

The Bill introduced in this House, authorising the Collectors of Taxes to make deeds in certain Cases, was[*] read the second time, Ordered, that the same be read, the third time to morrow—

The Bill, introduced in this house, for forming a new County out of the County of Clark and Harrison, was read the second time—Ordered, that the same be read the third time to morrow

On Motion made and leave given, Mr Johnson, Introduced a Bill, to amend the act, regulating the inspection of Flour, Beef and Pork, was taken up and read the first time On Motion of Mr. Johnson—Ordered, that the rules of the House be dispensed with, and that the same be now read, the second and third time And on the question that the same do pass It was determined in the affirmative

Ordered, that the secretary acquaint the House of Representatives therewith and desire their concurrence thereto

A message from the House of Representatives by Mr Blackford, their Clerk—Mr President The House of Representatives has concurred, in the Resolution from the house, appointing a com-

mittee to examin the offices of auditor and Treasurer and have on their part appointed Mr. Dunn, Hendricks and Robb a committee, to act with the committee appointed on the part of this house—

The Bill from the House of Representatives, Entitled an act, to amend the act Entitled an act as to proceedings, in Ejectment, Distress for rent, Tenants at will holding over, was read the first time—and ordered to be read the second time to morrow

The Bill from the House of Representatives, Entitled an act authorising the Judges of the Court of Common pleas to hold special Courts, for the purposes therein named was read the first time, and ordered to be read the second time to morrow

The Bill from the House of Representatives, Entitled an act to amend the act, Entitled an act to amend the act[*] regulating the admission and practice of Attornies and Counsellors at Law, and for other purposes, was read the first time and Ordered to be read the second time to morrow

On Motion made and leave given, Mr. Manwaring, introduced a Bill, regulating, the General Elections of the Indiana Territory, which was read the first time—On Motion, by Mr. Manwaring, for it to be read the second time, It was determined in the negative—yea 1 nays 3—Yea and nays called for were as follows—Yea—Mr Manwaring Nays, Mr. Beggs, Harberson, and Johnson—

And then the House adjourned untill to morrow, morning 9 Ock

Thirsday the 16th December 1813

A message from the House of Representatives by Mr. Blackford their clerk—Mr. President—The House of Representatives, have disagreed to the Joint Resolution from this house Respecting the office of the Secretary of the Territory—They have passed, the Bill from this house Entitled an act, to amend the act, regulating the inspection of Flour, Beef and Pork, with an amendment, and have passed a Joint Resolution Respecting John Vawter also a Bill, to prevent malicious prosecution—To which they desire the concurrence of this house—

Mr. Johnson, from the committee of conference on the amendments, made by the house of Representatives, to the Bill introduced in this house, more effectually, to prevent dueling, and disagreeed, to by this house—Reported—that the manager on the part of this house adheeared to their objections, and the manager on the part of the House of Representatives, receded from their amendments—

On Motion of Mr. Harberson—The House concurred in the report of the committee of conference

Ordered, that the Secretary, acquaint the House of Representatives therewith[*]

On Motion of Mr Johnson—The House, concurred in the amendments, made in the House of Representatives, to the Bill from this house Entitled an act, to amend the act regulating the inspection of Flour, Beef and pork—

Ordered that the Secretary acquaint, the House of Representatives therewith

The Bill, from the House of Representatives, Entitled an act, regulating the admission, and practice of Attornies and Counsellors at Law, and for other purposes, was read the second time—and ordered to be read the third time to morrow

The Bill from the House of Representatives, to amend the act, Entitled an act, as to proceedings in Ejectment, Distress for rent, Tenants at will holding over—was read the second time—and ordered to be read the third time to morrow

The Bill, introduced in this house, requiring the Clerks of the Courts of common pleas, to make out, an account current of the debts due, by and to the County; was read the second time—On Motion of Mr. Johnson—The rules of the House were dispensed with, and the same was read the third time, and passed—Ordered —that the Secretary acquaint the House of Representatives, therewith, and desire their concurrence, therein

The Bill, from the House of Representatives, to prevent malicious, prosecution, was read the first time, and ordered to be read the second time to morrow—

A message from the House of Representatives by Mr. Blackford, their Clerk—Mr. President The House of Representatives, has concurred in the report of the committee of conference, on

the amendments[*] to the Bill from this house, more effectually, to prevent dueling, made in the House of Representatives—

The Resolution, from the House of Representatives respecting John Vawter, was read the first time and ordered to be read the second time to morrow

The Bill, introduced in this house for the formation of a new County out of the Counties of Harrison and Clark, was read the third time, and passed Ordered, that the Secretary acquaint the House of Representatives therewith, and desire their concurrence therein

A message from the House of Representative by Mr. Blackford their Clerk—Mr. President The House of Representatives, has passed a Bill, to amend an act entitled an act, authorising the appointment of a pilot—which was read the first time and ordered to be read the second time to morrow

The Bill, introduced in this house, authorising the Collectors of Taxes, to make deeds in certain cases, was read the third time—To which an amendment was proposed by Mr. Manwaring, and concurred in by the house—And on the question That the same do pass with the amendment—It was carried in the affirmative

Ordered that the Secretary acquaint the House of Representatives therewith, and desire their concurrence, to the same

And then the House adjourned to meet again to morrow morning at 9 Ock—[*]

Friday 17th December 1813

Mr. Manwaring from the committee of enrolled Bills—Reported, that the committee had examined the ingrossed with the enrolled Bill Entitled an act, more effectually to prevent dueling, also the engrossed with the Enrolled Bill Entitled an act, to amend the act, regulating the inspection of Flour Beef and Pork, and found them duly enrolled

A message from the House of Representatives, by their Clerk Mr. Blackford Mr. President—The House of Representatives has passed a Bill, supplementary to the act Entitled an act, regulating the duties of sheriffs, and for other purposes, which was read the first time, and ordered to be read the second time to morrow

The Bill from the House of Representatives, Entitled an act regulating the Town of Brookville, was read the third time, and passed—

Ordered that the Secretary acquaint the House of Representatives therewith

A message from the House of Representatives by their Clerk Mr. Blackford—Mr. President—The speaker of the House of Representatives, has signed an Enrolled Bill, more effectually to prevent dueling, also a Bill, to amed the act, regulating the inspection of Flour, Beef and Pork, whereupon Mr President, signed the same, and the same was handed to the committee of Enrolled Bills, to[*] lay before the Governor—Ordered, that the Secretary acquaint the House of Representatives, therewith—

The Bill from the House of Representatives, to amend the act regulating the admission and practice of attorney and Counsellors at Law, and for other purposes, was read the third time—To which an amendment was proposed by Mr Johnson, and concurred in by the House—And on the question that the same pass with the amendment—It was carried in the affirmative—Ordered that the Secretary acquaint the House of Representatives therewith

The Bill from the House of Representatives Entitled an act, authorising the Judges of the Court of common pleas, to hold special courts for the purposes therein named, was read the third time and passed—Ordered, that the Secretary acquaint the House of Representatives therewith—

A message from the House of Representatives, by their Clerk, Mr. Blackford Mr. President— The House of Representatives have concurred, in the amendment made in this house to the Bill, to amend the act, regulating the admission and practice of attornies and Counsellors, at Law, and for other purposes— and they have passed a Bill more effectually to prevent the introduction of slaves, negroes or Mulattoes in the Indiana territory; which was read the first time and ordered to be read the second time[*] to morrow

The Bill, from the House of Representatives, Entitled an act, as to proceedings, in Ejectment, Distress for rent, and Tenants at will holding over, was read the third time And on the question that the same do pass It was determined in the negative

Ordered, that the Secretary acquaint the House of Representatives therewith

The Resolution from the House of Representatives respecting John Vawter, was read the second time and ordered to be read the third time to morrow—

The Bill from the House of Representatives, to prevent malicious prosecution, was read the second time, and Ordered to be read the third time to morrow—

The Bill, from the House of Representatives to amend an act, authorising the appointment of a pilot— was read the second time and ordered to be read the third time to morrow— and then the House adjourned untill to morrow morning 9 Ock—

Saturday 18th December 1813

The resolution, from the House of Representatives, Respecting John Vawter, was read the third time, to which an amendment was made by Mr. Johnson, and concurred in by the House— and on the question that the same do pass, with the amendment It was carried in the affirmative— Ordered, that the Secretary acquaint the house of Representatives, therewith[*]

The Bill from the House of Representatives, concerning Malicious, prosecutions, was read the third time and passed— Ordered that the Secretary acquaint the House of Representatives thereof

The Bill from the House of Representatives, to amend an act, entitled an act authorising the appointment of a Pilot, was read the third time, to which an a amendment was made by Mr. Johnson, and on Motion, concurred in by the House— and on the question, that the same do pass, with the amendment, It was determined in the affirmative—

The president, laid before the House the proposition of Farquar and smoot, for the printing of the laws of the present session, which was read and ordered to lie on the Table

A message from the House of Representatives by their clerk, Mr. Blackford— Mr. President The House of Representatives, has passed the Bill from this house, Entitled an act for the formation of a new County out of the Counties of Clark and Harrison— And have passed a Bill, to render the practice of Law, more easy

and plain, The Bill just sent from the House of Representatives, was taken up and read the first time, and ordered to be read the second time on monday next—

The Bill, from the House of Representatives supplementary to the act, entitled an act regulating the duties of sheriffs, and for other purposes, was read the second time, and ordered to be read the third time on monday next—

The Bill, from the House of Representatives more effectually to prohibit the introduction of Slaves, negroes, mulattoes into the Indiana[*] Territory, was read the second time; and ordered to be read the third time on monday next— And then the House adjourned untill monday next—

Monday 20th December 1813

The Bill from the House of Representatives to render the practice of law, more easy and plain, was read the second time and on motion, ordered to be read the third time to morrow

A message from the House of Representatives, by Mr. Blackford their clerk— Mr. President— The House of Representatives has agreed to the amendments, made in this house to the Bill, exempting the Jeffersonville Pilots, from certain duties, and have passed the Bill from this house authorising the collectors of Taxes, to make deeds in certain cases, and have concurred in the amendments made by this house in the resolution respecting John Vawter And have passed a Bill directing the mode of changing the venue, in which they desire the concurrence of this house— and then he withdrew— The Bill from the House of Representatives directing the mode of changing the venue, was read the first time, and on motion ordered to be read the second time to morrow

A message from the House of Representatives by their clerk Mr. Blackford Mr. president[*] The House of Representatives has appointed Mr. Dunn a committee to act with such committee as may be appointed by this house to contract for the printing the laws of the present session— and have passed a Bill to amend the act, entitled an act supplementary to the several acts, regulating Public Roads and highways, in which they desire the concurrence of this house —The Bill just laid before the House, was read the first time and ordered to be read the second time to morrow

On Motion of Mr. Manwaring Ordered, that a committee be appointed to act with the committee, appointed on the part of H of R to contract for the printing of the laws of the present session, and the same was appointed consisting of Mr Johnson—

Ordered, that the secretary acquaint the house of Representatives therewith—

On Motion Ordered, that the further, busyness of the day, be layed over, untill to morrow— and then the House adjourned untill to morrow, morning 9 ock[*]

Tuesday 21st December 1813

A message from the H of R by Mr. Blackford their clerk, Mr. President, The House of Representatives, have, passed a Bill to amend an act, Entitled an act respecting, Crimes and punishments, and desire the concurrence of this House thereto

The Bill, just laid before the House, was taken up and read the first time, and ordered to be read the second time to morrow—

The Bill, from the House of Representatives more effectually, to prevent the introduction of Negroes, Slaves or mulattoes, into the Indiana Territory, was read the third time— On Motion of Mr. Wilson the word, and, in the six line from the top of the first section, was erased, and the word, or, was institued in room thereof— A motion was made by Mr Johnson, and seconded further to amend the Bill under consideration, by striking out from the enacting clause to the end of the Bill— And the question taken thereon— It was dertermined in the affirmative yeas 4 nays 1— yeas and nays called for were as follows— yeas Mr Beggs, Harberson Johnson and Wilson, Nay Mr. Manwaring alone— And on the question, that the same do pass as amended— It was carried in the affirmative— Ordered, that the secretary acquaint the House of Representatives, thereof

The Bill, from the House of Representatives[*] supplementary, to the act, entitled an act regulating the duties of sheriffs, and for other purposes was read the third time— To which several amendments were made by Mr. Johnson, and on motion, concurred in by the house— and on the question that the same do pass, with the amendments, it was determined in the affirmative—

Ordered, that the Secretary acquaint the House of Representatives thereof and desire their concurrence therein

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President— The House of Representatives have passed a Bill apportioning the members of the House of Representatives of the Indiana Territory, and desire the concurrence of this house— The same was taken up and read the first time, and Ordered to be read the second time tomorrow—

The Bill from the House of Representatives, directing the change of venue, was read the second time; and ordered to be read the third time to morrow

A message from the House of Representatives by their Clerk Mr Blackford— Mr. President— The House of Representatives, have agreed to the amendmendments, made by this house, in the Bill, supplementary to the act, regulating the duties of sheriffs, and for other purposes— and have passed a Bill, regulating the Town of Charles Town, to which they desire the concurrence of this house

On motion of Mr Johnson— Ordered, that the petition of Arabella Daveson, be refered to a select committee, and that they report by Bill or other wise, and the same was appointed, consisting of Mr. Manwaring, and Harberson Mr. Manwaring from the committee, to whom was[*] refered, the Petition of Arabella Davison, Reported a Bill, to dissolve the marriage of Arabella Davison with her husband Daniel Davison, which was read the first time and ordered to be read the second time to morrow

On Motion, made and leave given, Mr. Manwaring introduced a Bill for the relief of Willis W. Goodwin, the same was read the first time— and on Motion of Mr Manwaring— Ordered that the same be now read the second and third time now— The same was read the second and third time and passed—

Ordered that the Secretary acquaint the House of Representatives thereof and desire their concurrence, to the same—

The Bill from the House of Representatives to amend the act, entitled an act supplementary to the several acts regulating Public roads and highways, was read the second time, and ordered to be read the third time to morrow

The Bill from the House of Representatives, regulating the Town of Charles Town, was read the first time and ordered to be read the second time to morrow—

On Motion of Mr. Johnson— The House came to the following Resolution— Resolved by the Legislative Council, that the doore keeper call upon the Governor and request him to furnish the acts of the Legislature of the North western Territory and the laws of this Territory up till the year 1807 for the use of the Legislative Council—

Mr. Manwaring, from the committee of enrolled Bills Reported, that the committee, had examined,[*] The following enrolled Bills with the engrossed—

1 An act more effectually to prevent the practice of dueling—
2 An act to amend the act, regulating the inspection of Flour, Beef and pork—
3 An act authorising the Judges of the Court of Common pleas to hold special Courts for the purposes therein named
4 An act regulating the Town of Brookville
5 An act to amend an act, entitled an act, autherising the appointment of a pilot
6 An act for the formation of a new County out of the Counties of Clark and Harrison
7 A Resolution for the Relief of John Vawter
8 An act to amend an act entitled an act Regulating the admission and practice of attornies and Counsellors at law, and for other purposes
9 An act to prevent malicious prosecutions— and found them all duly enrolled— The first third and fourth was laid before the Governor on the 18th inst— The second on the 20— and all the rest on this day for his approval, or rejection—[*]

On Motion, Ordered that the further business of the day be postponed untill to morrow, and then the House adjourned untill to morrow morning 9 Ock

Wednesday 22nd December 1813

The Bill from the House of Representatives regulating the Town of Charles Town, was read the second time, and ordered to be read the third time to morrow—

The Bill, introduced, in this House, to dissolve the marriage of Arabella Davison, with her husband Daniel Davison, was read the second time, and Ordered to be read the third time to morrow—

The Bill from the House of Representatives to amend an act, Entitled an act, respecting crimes and punishments, was read the second time, and ordered to be read the third time to morrow

The Bill, from the House of Representatives, apportioning the members of the House of Representatives of the Indiana Territory, was read the second time and ordered to be read the third time to morrow

Mr. Manwaring, from the committee of enrolled Bills, reported, that the committee had Examined, the enrolled, with the engrossed Bill, authorising the Collectors of Taxes to make deeds in certain cases— Also a Bill supplementary to the act, Entitled an act, Regulating the duties of Sheriffs and for other purposes, and found them duly enrolled[*]

A message from the Governor by Mr Prather his private Secretary— Mr. President —I am directed by the Governor, to inform this House, that he did on the 18th Inst approve and sign an Act, authorising the Judges of the Court of common pleas to hold courts for the purposes therein named— Also an act more effectually to prevent dueling— Also on the 20th Inst An act to amend the act, regulating the inspection of Flour, Beef and pork— Also on the 21st An act for the formation of a new County out of the Counties of Harrison and Clark— Also on the 22nd An act authorising the Collectors of Tax to make deeds in certain cases, all of which originated in this House— and then he withdrew

Ordered that the Secretary of this House acquaint the H of Representatives therewith

A message from the House of R, by Mr Blackford their clerk— Mr. President— The House of Representatives have passed a Bill to amend the act, Entitled an act authorising the Courts of Common Pleas, to Issue Writs of Habeas Corpus and Certiorari, in certain cases Also a Bill Supplementary to an Act, to reduce into one the several acts to establish a permanent revenue, and request the concurrence of this House therto— The Speaker has signed an act, supplementary to the act, entitled an act, regulating

the duties of Sheriffs, and for other purposes— Whereupon Mr President signed the same— Ordered that the Secretary acquaint the House of Representatives therewith

The Bill, from the House of Representatives to amend the act, Entitled an act[*] authorising the Courts of common pleas, to issue Writs of Habeas Corpus and Certiorari in certain cases, was read the first time, and ordered to be read the second time to morrow—

The Bill, from the House of Representatives, supplementary to an act, to reduce into one the several acts, to establish a permanent revenue was read the first time, and ordered to be read the second time to morrow—

On Motion— Ordered, that the further business of the day, be layed over, untill to morrow

And then the House adjourned untill to morrow Morning 9 Ock—

Thisday 23d December 1813

A message from the House of Representatives by Mr Blackford their clerk—Mr. President, the H of R have passed a Bill legalizing the proceedings, and changeing the place of holding the Court of Common pleas of Warrick County, and desire the concurrence of this house thereto— The Governor, by his private Secretary Mr. Prather, notifyed the House of Representatives on yesterday, that he did on the 18th Inst. approve and sign an act, Entitled an act, respecting the Town of Brookville— also on the 21st An act to amend an act, Entitled an act authorising the appointment of a Pilot, also an act to prevent malicious, prosecutions, also an act to amend an act Entitled an act, regulating the admission and practice of attornies and Counsellors at Law, and for other purposes, also a resolution for the Relief of John Vawter— and he then with drew

Mr. Manwaring, having obtained leave, introduced a Bill[*] for the Relief of James McCampbell, the same was read the first time, and ordered to be read the second time to morrow—

The Bill, from the H of R, to render the practice, in Courts, more easy and plain, was read the third time, to which several amendments were made by Mr. Johnson, and on Motion con-

curred in by the house And on the question, that the same do pass as amended It was carried in the affirmative— Ordered that the Secretary acquaint the H of R thereof, and desire their concurrence therein

The Bill from the H of R, apportioning the members of the House of Representatives of the Indiana Territory, was taken up and read the third time, and passed— Ordered that the Secretary acquaint the H of R, therewith

The Bill introduced in this House, to dissolve the marriage of Arrabella Davison, with her husband Daniel Davison, was read the third time, and passed— Ordered that the Secretary, acquaint the H of R, thereof and desire their concurrence therein

The Bill from the H of R, to amend an act, Entitled an act respecting crimes and punishments, was taken up and read the third time— A motion was made by Mr. Johnson and seconded, that the the Bill under consideration, be amended, by striking out the 5th section— and the question taken thereon, It was carried in the affirmative— yeas 3 nays 2, yeas and nays, called for, were as follows— yeas, Harberson Johnson, and Wilson Nays— Mr. Beggs & Manwaring

Mr. Wilson moved further to amend the Bill under consideration, by striking out the 6th section and the question taken thereon, It was carried in the affirmative[*] Mr Manwaring, moved further to amend the Bill by adding a fifth section, which was read, and concurred in by the House And on the question, that the same do pass with the amendments— It was carried in the affirmative

Ordered, that the Secretary acquaint the H of R therewith, and desire their concurrence thereto

A message from the H of R, by Mr. Blackford their Clerk Mr. President The H of Representatives, has agreed to the amendments, made in this house to the Bill regulating the practice of Courts more easy and plain— They have passed the Bill from this House Dissolving the Marriage of Arrabella Davison with her husband Daniel Davison— They have passed a Memorial to Congress, praying an alterration in the post routs, to which they

request the concurence of this House— On Motion the Memorial just introduced was read the first and second time and concurred in

Ordered, that the Secretary acquaint the H of Representatives therewith

The Bill from the House of Representatives, to amend the act, Entitled an act, authorising the Courts of Common Pleas to issue Writs of Habeas Corpus and Certiorari in certain cases, was taken up and read the second time, and ordered to be read the third time to morrow

The Bill from the House of Representatives, supplementary to an act, Entitled an act, to reduce into one the several acts, to establish a permanent Revenue, was taken up and read the second time And on Motion of Mr. Wilson— Ordered to be read the third time on Monday next

A message from the House of Representatives, by Mr. Blackford their clerk Mr. Presiden the[*] House of Rs. have passed the Bill from this house authorising persons to recover money back in certain cases and for other purposes, with amendments to which they desire the concurrence of this House— They have agreed to the amendments made by this House to the Bill, Respecting crimes and punishments

The Bill from the House of Rs. legalizing the proceedings, and changeing the place of holding the Courts of common Pleas of Warrick County, was read the first time— and on motion of Mr. Wilson the same was read the second and third time and passed

Ordered that the Secretary acquaint the H of Representatives thereof, Ordered that the further business of the day be layed over untill to morrow— And then the House adjourned untill to morrow morning 9 Ock

Friday 24th December 1813

On motion of Mr. Wilson The House Came to the following Resolution— Resolved that a Joint committee of Both houses, be appointed, to report, what business Requires the attention of the Legislature, before an adjournment, and when an adjournment may take place—And the committee was appointed on the part

of this house consisting of Wilson and Johnson— Ordered, that the Secretary acquaint the House of Representatives therewith

Mr. Johnson, laid before the House the petition of James Crow, former collector of Knox County, which was read, and on motion Refered to a select [committee] to[*] Report by Bill or otherwise, the same was appointed consisting of Mr. Wilson and Johnson

Mr. Johnson from the committee to whom was refered the petition of James Crow— Reported a Bill for the Relief of James Crow former collector of Knox County— and the same was read the first time, and on Motion of Mr Johnson The rules of the House were dispensed with, and the same was read the second and third time and passed

Ordered that the Secretary acquaint the House of Representatives therewith, and desire their concurrence therein—

Mr. Manwaring, from the committee of enrolled Bills Reported, that the committee have examined the following enrolled Bills, with the engrossed, and found them duly enrolled—

An act to render the practice in Courts, more easy and plain

An act legalizing the proceedings, and changing the place of holding Courts of common pleas of Warrick County

An act apportioning the members to the House of Representatives of the Indiana Territory

A message from the House of Representatives by their Clerk Mr Blackford— Mr. President— The House of Representatives have passed a Bill reorganizing the Courts of Justice, and request the concurrenc of this house— The Speaker has signed, an act, apportioning the members to the House of Representatives of the Indiana Territory also an act legalizing the proceedings and changing the place of holding Courts of common pleas of Warrick County, also an act to render the[*] practice in Courts more easy and plain, also an act to dissolve the marriage of Arrabella Davison with her husband Daniel Davison— Whereupon Mr. President, signed the same, Ordered that the Secretary acquaint the House of Representatives therewith—

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President the House of Representatives

have passed the Bill from this House for the Relief of Willis W Goodwin with amendments, in which they desire the concurrence of this house— The Bill was taken up and read as amended, and on motion, concurred in—

Ordered that the Secretary acquaint the house of Representatives therewith

The Bill, introduced in this House, regulating the Town of Charles Town was read the third time, to which several amendments were made by Mr. Johnson and concurred in by the House And on the question that the same do pass as amended — It was carried in the affirmative

The Bill, introduced in this House, for the Relief of James McCampbell, was read the second time, and on Motion of Mr. Johnson— the same was read the third time and passed— Ordered that the Secretary acquaint the House of Representatives therewith

On Motion, The further business of the day was layed over untill to morrow

And then the House adjourned, untill to morrow morning 9 ock[*]

Saturday 25th December 1813

Mr. Manwaring, from the committee of enrolled Bills Reported, that the committee, did on yesterday lay before the Governor for his approval, the following acts An act to dissolve the marriage of Arrabella Davison with her husband Daniel Davison— also an act to render the practice in Courts more easy and plain also an act Legalizing the proceedings and changing the place of holding the Courts of common pleas of Warrick County, also an act apportioning the members to the House of Representatives of the Indiana Territory— The committee have examined the enroled with the engrossed triplicate memorial to Congress on the subject of a post rout from Salisbury to eaton, also an act respecting crimes and punishments, and found the same duly enrolled

Mr. President Beggs, being absent— On Motion of Mr. Johnson, Mr. Manwaring was placed in the Chair, President Pro tem

A message from the Governor by his private Secretary Mr. Prather— notifying the House that he did on the 24th Inst. approve and sign an act, to dissolve the marriage of Arrabella Davi-

son, with her husband Daniel Davison Ordered that the Secretary acquaint the House of Representatives therewith

Mr. Wilson, Chairman of the committee to whom was refered, that part of the Governers communi[ca]tion, relative to the Militia of the Territory— and the Bill more ef[*]fectually to organize the Militia of the Indiana Territory, and repealing all former laws on the subject, layed over at the last session of the Militia of the Indiana Territory, which was taken up and read the first time— On Motion of Mr. Wilson the rules of the House were dispensed with, and the same was read the second and third time And on the question that the same do pass It was carried in the affirmative—

Ordered that the Secretary acquaint the House of Representatives therewith and desire their concurrence thereto

A message from the House of Representatives by their Clerk— Mr. Blackford— Mr. President— The House of Representatives, have passed a Bill, for the appontment of a Territorial Treasurer, to which they desire the concurrence of this house— The Speaker has signed a tripplicate memorial to Congress on the subject of a post rout from Salisbury to eaton— also an act to amend the act, Entitled an act, respecting Crimes and punishments whereupon Mr. President signed the same

Ordered, that the Secretary acquaint the House of Representatives therewith

Mr. Johnson, laid before the House the petition of Elisabeth Green, praying a divorce[*] from her husband Jona Green, which was read at the Secretarys Table—

On Motion of Mr. Johnson— Ordered that the petion of Elizabeth Green, be refered to a select committee, and that they report by Bill or otherwise— and the same, was appointed consisting of Mr. Johnson and and Harberson— Mr. Johnson, chairman of the committee, to whom was refered the petition of Elizabeth Green— Reported, a Bill, to dissolve the marriage of Elizabeth Green with her husband Jona Green—, which was read the first and second time, and ordered to be read the third time on monday next

A message from the House of Representatives by Mr. Black-

ford, their clerk— Mr. President the House of Representatives have rejected the Bill from this house requiring the clerks of the Courts of common pleas to make out an account current of the debts due by and to the County —and have passed a Bill, to remove the seat of Government from Corydon to Madisonville[7]— and desire the concurrence of this House—

On Motion— The House adjourned untill monday morning 9 ock—[*]

Monday 27th December 1813

Mr. Manwaring, from the committee of enrolld Bills, Repo[r]ted that the committee had examined the enrolled, with the engrossed Bill, regulating the Town of Charles Town, also a a Bill for the Relief of Willis W. Goodwin, and found them duly enrolled, and have laid before the Governor, an act, to amend the act, Entitled an act, Respecting Crimes and punishments, also a Triplicate Memorial to Congress on the subject of a post rout from Salisbury to eaton this day for his approval

The Bill introduced in this House, to dissolve the marriage of Elizabeth Green, with her husband Jona Green, was taken up and read the third time and passed—

Ordered that the Secretary, acquaint the House of Representatives therewith—

The Bill from the House of Representatives, Reorganizing the Courts of Justice, was taken up and read the first time, and ordered to be read the second time to morrow

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President— The House of Representatives, have passed the Bill from this [house] for the Relief of James Crow, collector of Knox County for the year 1812— The Speaker has signed an act for the relief of Willis W. Goodwin Whereupon Mr. President signed the same—

Ordered that the Secretary acquaint the House of Representatives therewith[*]

Mr. President Beggs, laid before the House a letter, from the Governor, informing the House that his health, required him to leave this place for Jeffersonville, and that all Bills for his ap-

[7] **Madison.**

proval, would be carried to him, in Jeffersonville where he would be found by his private Secretary Mr. Prather—[8]

On Motion of Mr. Wilson The House came to the following Resolution— Whereas it hath been Represented to this house, that his Excellency the Governor, is about to leave the seat of Government, and go to the Town of Jeffersonville in Clark County— Resolved therefore by the Legislative Council and House of Representatives, that the committee of enrolled bills, be instructed not to deliver the enrolled Bills to any person, except his Excellency—

Ordered, that the Secretary, acquaint the House of Representatives therewith, and request their concurrence therein

The Bill from the House of Representatives, authorising the Courts of common pleas to issue Writs of Habeas Corpus, and Certiorari in certain cases was taken up and read the third time,— To which several amendments were made by Mr. Johnson, and on motion concurred in, And on the question that the same do pass with the amendments— It was determined in the affirmative

Ordered that the Secretary acquaint the House of Representatives therewith—

Mr. Manwaring, from the committee of enrolled Bills Reported that the committee had examined, the enrolled with the engrossed Bill, Entitled an act for the Relief of James Crow Collector of Knox County for the year 1812, and found it duly inrolled[*]

A message from the House of Representatives by their Clerk, Mr. Blackford— Mr. President, the Speaker has signed an act for the Relief of James Crow, collector of Knox County for the year 1812— whereupon Mr. President signed the same— Ordered that the Secretary acquaint the House of Representatives therewith

The House proceeded to consider the amendments made by the House of Representatives, to the bill from this house, authorising persons to recover money back in certain cases, and for other purposes— and on the question for the concurrence of this house— It was determined in the negative On motion of Mr. Johnson—

[8] The Governor's letter to the Legislative Countil is printed in Esarey (ed.), *Messages and Letters,* 2: 612, from *Western Sun,* February 19, 1814.

Ordered that a committee of conference be requested of the House of Representatives thereon, and that a manager be appointed on the part of this house— and the same was appointed consisting of Mr. Johnson— Ordered that the Secretary acquaint the House of Reprs therewith And then the House adjourned untill to morrow, morning 9 Ock—[*]

Copyed up to this day

Tuesday 28th December 1813

Mr. Manwaring from the committee of enrolled bills Reported, that the committee, did on yesterday lay before the Governor the following acts, for his approval— An act to regulate the Town of Charles Town,— also an act for the relief Willis W. Goodwin also an act for the Relief of James Crow Collector of Knox County for the year 1812

A message from the House of Representatives, by Mr. Blackford Mr. Pres[ident The House of Representatives] have concurred in the Resolution from this House instructing the committe of Enrolled Bills, to deliver the enrolled Bills, to no person, but the Governer— They have agreed to the amendments made by this house to the Bill, to amend the act Entitled an act, authorising the Courts of Common Pleas, to issue, Writs of Habeas Corpus and Certiorari in certain cases They have passed a Bill, to amend an act, regulating the Town of Jeffersonville, also a Bill supplementary to the several acts for the trial of small causes— also an act in amendment of an act, — Entitled an act, to regulate the disposition of Water crafts of certain descriptions, found gone and going adrift and of estray animals, and request the concurrence of this house therein— They have also passed a memorial to Congress, relating to the disposition of the Judges of the General Court to which they solicit the concurrence of this House[*]

The Bill from the House of Representatives, supplementary to an act, entitled an act, to reduce into one the several acts to establish a permanent revenue, was taken up and read the third time On Motion of Mr. Johnson— the Bill under consideration was amended by striking out from the enacting clause to the end, and introduced sections in lieu thereof which were read, and

on Motion concurred in— And on the question that the same do pass as amended, It was carried in the affirmative

Ordered, that the Secretary acquaint the House of Representatives therewith

The Bill from the House of Representatives for the appointment of a Territorial Treasurer was taken up and read the third time— A Motion was made by Mr. Johnson and seconded that the Bill under consideration be amended by striking out after the word prescribe, in the 9th section, the following words, and no interest shall accrue on said warrents— The question taken thereon— It was carried in the affirmative— yeas 3— nays 2— Yeas and nays called for were as follows— yeas Mr. Beggs Harberson and Johnson— Nays Mr Manwaring and Wilson Mr. Wilson moved further to amend the Bill under consideration, by addi[n]g the following[*] to the 9th section— Provided however that no sheriff shall be entitled to receive any interest on Territorial paper, which he may receive for the payment of Taxes or which he may pay into the Territorial Treasurer as a discount for the amount of the same charge against said sheriff in the said office, after the first day of January annually— The question Taken thereon It was carried in the affirmative— Yeas 3. Nays 2 Yeas and nays called for were as follows— Yeas Mr. Harberson, Manwaring, and Wilson Nays Mr. Beggs, and Johnson—

And on the question that the same do pass as amended It was carried in the affirmative

Ordered that the Secretary acquaint the House of Representatives therewith—

The Bill from the House of Representatives Reorganizing the Courts of Justice, was taken up and read the second time— And on Motion of Mr. Johnson, the same was read the third time— To which several amendments were made, and concurred in by the House And on the question that the same do pass as amended— It was carried in the affirmative—

Ordered that the Secretary acquaint the House of Representatives therewith

The Bill, from the House of Representatives to remove the seat of Government from the Town of Corydon, to the Town of

Madison[*] was read the first time— and ordered to be read the second time to morrow—

And then the House adjourned untill to morrow morning 9 Ock—

Wednesday 29th December 1813

A message from the Governer, by Mr. Prather his private Secretary— Notifying the House that the Governor did on the 27th Inst approve and sign an act, Entitled an act, for the Relief of Willis W. Goodwin, also an act, Entitled an act for the Relief of James Crow Collector of Knox County for the year 1812

A message from the House of Representatives by Mr. Blackford their clerk, Mr. President, the House of Representatives have concurred in the amendments made by this House to the Bill, Reorganizing the Courts of Justice, and they have disagreed to the amendments made by this House to the Bill supplementary to the act, reducing into one the several acts to establish a permanent revenue, and request a committee of conference thereon and have on their part, appointed Mr. Dunn a committee—

On Motion, the committee of conference was granted and Mr. Johnson appointed manager on the part of this house—

Ordered that the Secretary acquaint the House of Representatives therewith

On Motion made and leave given, Mr. Manwaring introduced a Bill to Tax free persons of Colour[*] which was read the first [time] and seconded and ordered to be read the third time to morrow

On Motion made and leave given, Mr. Manwaring Introduced a Memorial to Congress, praying a change in the Councillors districts, also for the Councillors to be elected for two years and the Representatives to be elected for one year, which was read the first and second time— The question Taken thereon It was determined in the negative— yeas 3 nays 2— yeas and Nays called for were as follows— yeas Mr. Manwaring and Wilson Nays Mr. Beggs, Harberson & Johnson[9]

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President, the House of Representatives

[9] See *post,* 743-44.

have passed the Bill from this House to establish and regulate the Militia of the Indiana Territory, with amendments— They have appointed Mr. Hendricks a committee of conference on the Bill authorising persons to recover money back in certain cases

On Motion of Mr. Wilson, The House after consideration, concurred in the amendments made by the House of Representatives to the Bill to establish and regulate the Militia of the Indiana Territory— Ordered that the Secretary acquaint the House of Representatives therewith

A message from the House of Representatives by Mr. Blackford their Clerk— Mr President The House have passed the Bill from this house to dissolve the marriage of Elizabeth Green with her husband Jona Green[*]

The Bill from the House of Representatives to remove the seat of Government from the Town of Corydon to the Town of Madison was read the second time— On Motion the same was read the third time Mr. Wilson moved to amend the Bill, by striking out the words, Madison and Jefferson, throughout the Bill and insert in lieu thereof Washington, and the seat of Justice, in Washington County— The question Taken thereon It was determined in the Negative On Motion of Mr. Wilson— Ordered that the said Bill be postponed untill tomorrow

A message from the House of Representatives by Mr. Blackford their clerk Mr. President The House of Representatives have passed a Bill allowing a compensation to the members of both Houses and for other purposes— They have rejected the Bill from this House for the Relief of James McCampbell, also a Bill granting appeals in certain cases—

And then the House adjourned untill to morrow morning 9 Ock[*]

Thirsday 30th December 1813

The Bill from the House of Representatives, to amend an act, regulating the Town of Jeffersonville was taken up and read the first time— On Motion of Mr. Harberson— The rules of the house were dispensed with, and the same was read the second and third time and passed

Ordered that the Secretary acquaint the House of Representatives therewith—

The Bill Introduced in this House, to tax free persons of Colour, was read the third time Mr. Wilson, moved to amend the Bill under consideration, by adding a proviso to the end of the second section, which was read and concurred in— And on the question, that the same do pass— It was carried in the affirmative

Ordered, that the Secretary acquaint the House of Representatives therewith—

On Motion of Mr. Wilson— The House took up the Bill to remove the seat of Goverment from the Town of Corydon to the Town of Madison, Mr. Manwaring in the Chair— And on the question that the same do pass It was determined in the negative yeas 2 nays 3 Yeas and Nays called for were as follows— yeas Mr. Beggs and Manwaring Nays Mr Harberson, Johnson & Wilson

Ordered that the Secretary acquaint the House of Representatives therewith—

The Bill from the House of Representatives making appropriation to the members[*] of both Houses and for other purposes, was read the first time, and ordered to be read the second time to morrow

The Bill from the House of Representatives, supplementary to the several acts for the trial of small causes, was read the first time— and on motion of Mr. Wilson— The rules of the House were dispensed with and the said Bill was read the second and third time— To which several amendments were made by Mr. Wilson and concurred in by the House And on the question that the same do pass as amended— It was carried in the affirmative

Ordered, that the Secretary acquaint the House of Representatives therewith

Mr. Johnson from the committee of conference appointed on the Bill authorising certain instruments of writing to be made assignable Reported that the committee on the part of this house had receded from a part of their objections to the amendments, and the committee on the part of the House of Representatives had

receded from a part of their amendments— which was explained to the House and on Motion— the House concurred in the committees report—

Ordered that the Secretary acquaint the House of Representatives therewith—

Mr. Johnson from the committee of conference on the Bill supplementary to the act reducing into one the several acts, establishing a permanent Revenue— Reported that the com[*]mittee on the part of this House had receded from a part of their amendments, and that the committee on the part of the House of House of Representatives had receded from a part of their objections to the amendments— The committee read to the House that part the committee on the part of this house had receded from, and that part the committee on the part of the House of Representatives had receded from— On Motion for concurrence in the Report, The House concurred in the Report all except to the amendments made by the House in the 8th section— Ordered that the Secretary acquaint the House of Representatives therewith

A message from the House of Representatives, by Mr. Blackford their clerk— Mr. President The House of Representatives have concurred in the amendments made by this House, to the Bill supplementary to the several acts for the trial of small causes— and have concurred in the committee of conference's Report on the Bill authorising certain instruments of writing to be assignable—

The Bill from the House of Representatives to amend the act, supplementary to the several acts regulating Public roads and highways, was read the third time, to which several amendments were made, and passed—

Ordered, that the Secretary acquaint the House of Representatives therewith

A message from the House of Representatives by[*] Mr. Blackford their clerk— Mr. President— The House of Representatives have concurred in the Report of the committee of conference on the Bill supplementary to an act entitled an act to reduce into one the several acts to establish a permanent revenue

On Motion made and leave Given Mr. Johnson, introduced

a Bill supplementary to an act, authorising the granting of letters Testamentary, and letters of administration for the settlement of Intestate estates and for other purposes, which was read the first time, On motion of Mr. Johnson, the Rules of the House were dispensed with, and the same was read the second and third time and passed

Ordered, that the Secretary acquaint the House of Representatives therewith—

A message from the House of Representatives by Mr Blackford their clerk—Mr. President—The House of Representatives have disagreed to the amendments made by this House to Bill to amend the act supplementary to the several acts regulating Public roads and highways, and request a committee of conference and have appointed Mr. Hendricks manager on their part— On Motion of Mr Wilson— Mr. Manwaring was appointed a committee to act with the committee on the part of the House of Representatives, on the Bill to amend the act supplementary to the several acts regulating Public roads and highways

The Bill from the House of Representatives, to amend an act Entitled an act, to regulate the disposition of water Crafts of certain descriptions[*] gone and going adrift and of estray animals was read the first time— and ordered to be read the second time to morrow—

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President— The House of Representatives have passed a Bill to require and compel the administrators and securities of John McCandless deceased, formerly sheriff of Knox County to pay into the Territorial Treasury such sums of money as are or may be due by the said John McCandless to the Territory, and have passed the following Resolution —Resolved, that committee be appointed to examin and compare with the Treasurers Books all warrants issued by the Auditor and burn all such warrants as has been discharged by the Territory according to law and desire the concurrence of this House and have on their part appointed Mr Hendricks Dunn and Robb,— On Motion of Mr Wilson the resolution was read the word burn in the Resolution was eraced, and the word effaced inserted in lieu thereof and on

the question for the concurrence of this house in the Resolution just amended, It was carried in the affirmative

Ordered that the Secretary acquaint the House of Representatives therewith

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President The House of Representatives have concurred[*] in the amendments by this house to the Resolution from the H of R, respecting the audited warrants paid by the Territory and filed in the Treasurers office— On Motion of Mr Johnson, Ordered that a committee be appointed on the part of this House, in obediance to the Resolution and the same was appointed consisting of Mr. Johnson and Wilson

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President The House of representatives request a committee of conference again on the Bill supplementary to an act Entitled an act to reduce into one the several acts to establish a permant Revenue, and have on their part appointed Mr. Dunn, On Motion of Mr. Johnson— Mr. Wilson was appointed manager on the part of this House, to act with the committee on the part of the House of Representatives, on the Bill supplementary to an act, Entitled an act to reduce into one the several acts to establish a permanent revenue—

And then the House adjourned untill to morrow morning 9 ock—[*]

Friday 31st December 1813

Mr. Manwaring from the committee of Conference on the Bill, to amend the act entitled an act, supplementary to the several acts, regulating Publick roads and highways, Reported that the manager on the part of this house, had receded from a part of the amendments, and the manager on the part of the H of R, had receded from a part of their objections to the amendments, and explained to the House that part which the committee on the part of this house had receded from, and that part which the committee on the part of the H of R had receded from On Motion of Mr. Johnson, the House concurred in the Report of the committee of conference just made— Ordered that the Secretary acquaint the H of R therewith

Mr Manwaring from the committee of enrolled Bills, Reported that the committee had examined the enrolled, with the engrossed Bill Entitled an act to dissolve the marriage of Elizabeth Green with her husband Jona Green, also an act for the appointment of a Territorial Treasurer, also an act to amend the act entitled an act, authorising the Courts of Common Pleas to Issue writs of Habeas Corpus and Certiorari in certain cases, also an act supplementary to the several acts for the trial of small causes also an act Reorganizing the Courts of Jus[*]tice, also an act supplementary to an act, Regulating the Town of Jeffersonville—

A message by Mr. Blackford was received, notifying this House that the speaker of the H of R, had signed the said Reported Bills, whereupon, Mr. President signed the same, Ordered, that the Secretary acquaint the H of R, therewith

A message from the House of Representatives by Mr. Blackford their clerk, Mr. President— The Speaker, Mr. Noble, has resigned his seat, and they have elected Isaac Dunn, Speaker,— They have added James Noble to the committee of enrolled Bills—

On Motion of Mr. Manwaring— Mr. Wilson was added to the committee of enrolled Bills on the part of this house

Ordered that the Secretary inform the House of Representatives thereof—

The Bill from the H of R, making compensation to the members of both houses of the Legislature and for other purposes, was read the second time, On Motion of Mr. Wilson, The said Bill was read the third time, To which several amendments were made and concurred in— And on the question that the same do pass as amended, It was carried in the affirmative

Ordered that the Secretary inform the House of Representatives thereof

A message from the House of Representatives by Mr. Blackford their clerk,— Mr. President, The House of Representatives have concurred in the amendments made by this house to the Bill, making compensation to the members of both houses of the Legis[*]lature and for other purposes— and have concurred in the committee of conference's Report, on the Bill to amend the act supplementary to the several acts regulating Public roads and highways—

On Motion of Mr. Wilson, The Rules of the House were dispensed with, and the Bill from the House of Representatives in amendment of an act, entitled an act, to regulate the disposition of watercrafts of certain descriptions found gone and going adrift and of estray animals, was taken up and read the second and third time— And on the question that the same do pass— It was determined in the negative—

Ordered, that the Secretary inform the House of Representatives Thereof—

The Bill from the House of Representatives, to require and compel the administors and Securities of John MacCandless deceased formerly sheriff of Knox County to pay into the Territorial Treasury such sums of money, as are or may be due, by the said John McCandless to the Territory, was read the first time— and on Motion of Mr. Wilson The Rules of the House were dispensed with, and the said Bill was read the second and third time and passed

Ordered, that the Secretary inform the House of Representatives thereof

The memorial from the H of R praying of the General Goverment, the power of disposing of the Judges of the General Court, was read the first and second time and concurred,

Ordered that the Secretary inform the H of R thereof And then the House adjourned untill to morrow morning 9 ock—[*]

Saturday 1st January 1814

Mr. Manwaring from the committee of Enrolled Bills Reported, that the committee had examined, the enrolled with the engrossed Bill, Entitled an act to require and compel the administrators and Securities of John MacCandless deceased to pay into the Territorial Treasury such sums of money as are or may be due by the said John MacCandless to the Territory— also An act to amend the act entitled an act, supplementary to the several acts regulating publick Roads and highways, Also an act, establishing, and Regulating, the Militia of the Indiana Territory, and found them duly Enrolled— Mr. Blackford Clerk of the House of Representatives, informed this house, that the speaker of the

House of Representatives had signed the above, examined acts, whereupon Mr. President signed the same— Ordered, that the Secretary inform the House of Representatives thereof—

The Bill from the House of Representatives, directing the mode of changing the venue, was read the third time— To which several amendments were made, and passed—

Ordered, that the Secretary, inform the House of Representatives thereof—

Mr. Johnson from the Joint committee, appointed to examin the Territorial Treasury, made the following Report—[*]

The Joint Committee appointed by virtue of a resolution of both houses of the Legislature to examin the Territorial Treasury Office and deface such warrents therein, as have been paid and received into said office agreeable to Law; Have according to order called upon the Treasurer for the books and warrents in his said Office for the purpose of examining the same and of defaceing said warrents in such a manner that if by accident or otherwise any of the said warrents should git out of the Office of said Treasurer that they might be detected if hereafter they should be presented to the Treasurer for payment But he refused to let your Committee have the privilige of examining said warrents &c for the purpose of defaceing the same alleging that the two houses of the legislature without the Consent of the Governor had no power or authority to autherise the marking or Defaceing the warrents in his Office— Your committee therefore ware prevented from performing the duties enjoined on them by the said resolution Your committee being of Opinion that they ware not autherised to make use of any forceable or other means to obtain possession of the warrents for the purpose of defaceing them, Then by Demanding them of the Treasurer under the authority of the said resolution— Wherefore your committee recommend the passage of an act to compell the Territorial Treasurer to exhibit to the Legislature when required, all books papers warrents &c belonging to his Office That the Legislature may have the warrents defaced in such a manner as they may conceive most expedient which may have been paid and received into the said Treasury agreeable to Law, lest by accident said warrents might git into the hands

of Indiveduals who might again present them to the said Treas urer and receive payment therefor without being detected therein— Which report was received and approved of by the House

Mr. Wilson from the committee of conference[*] on the Bill supplementary to the act, reducing into one the several acts, to establish a permanent Revenue, Reported that the committee on the part of this house adheared to their amendments in the 8th section, and the manager on the part of the H of R, adheared to their objections to the amendments,— On Motion of Mr. Harberson The House concurred, in the Report—

Ordered that the Secretary inform the house of Representatives thereof

A message from the H of R, by Mr. Blackford their clerk, Mr. President— The H of R have disagreed to the committee of conference Report on the Bill, supplementary to the act, reducing into one the several acts to establish a permanent Revenue, and disagree to the amendments made by this house to the said Bill in the 8th section— and have passed a memorial to Congress, Relating to the Companies of Captain Payton and Hargrove, and have passed a Bill to remove the seat of Goverment to Jeffersonville, and have passed the following Resolution— Whereas on the twenty-first day of December, the Legislature Council by a Resolution, requested the Governer to furnish them with some of the laws of the Territory out of the Secretaries office and sent said resolution by a special messenger to him, and he has not yet answered said Resolution or furnished said laws and whereas many evils and inconveniances do arise to the Citizens of this Territory by reason of the[*] office of the Secretary of the Territory not being kept at the seat of Government, particularly during the Session of the Legislature, because of the many publick documents, which are lodged in said office, to which it is necessary for the Legislature to have access

Be it therefore resolved by the Legislative Council and House of Representatives, that it shall be the duty of the Secretary of the Territory on or before the first day of march next to remove his office to, and keep the same at the seat of Goverment, and if he shall fail to comply with the requisitions of this resolution, he

shall be fined in the sum of One thousand Dollars, by Indictment for the use of the Territory— which was read the first and seconded time and concurred in— Ordered, that the Secretary inform the House of Representatives thereof

And then the House adjourned untill Monday morning next 9 Ock A. M.[*]

Monday 3rd January 1814

A message from the Governer, was received by Mr. Prather his private Secretary— notifying the House, that the Governer did on the 30th of December approve and sign an act to dissolve the marriage of Elizabeth Green, with Jona Green her husband— Ordered, that the Secretary inform the H of R, thereof

On Motion made and leave given Mr. Johnson Introduced a Bill for the Relief of the Clerk of the General Court, which was read the first time and on Motion the said Bill was read the second and third time and passed—

Ordered, that the Secretary inform the House of Representatives thereof—

The Bill from the House of Representatives, to remove the seat of Goverment from the Town of Corydon to the Town of Jeffersonville, was read the first time, and on Motion of Mr. Wilson, the said Bill was read the second and third time, and on the question that the said Bill do pass— It was determined in the negative— Ordered, that the Secretary acquaint the H of R thereof—

A message from the House of Representatives by Mr. Blackford, their clerk, Mr. President the House of Representatives have passed, an act Regulating Elections, and request the concurrence of this house— On Motion of Mr Harberson, the said Bill was taken up and read the first and Second time, and ordered to be read the third time that evening—[*]

A message from the House of Representatives by Mr. Blackford, their Clerk, Mr. President The House of Representatives have concurred in the Bill from this House, supplementary to an act, authorising the Granting of letters Testamentary and letters of administration for the settleling of Intestates estates, and for other purposes—

A message from the House of Representatives by Mr. Hendricks— Mr. President I am directed, by the House, to inform this house, that they request another committee of conference on the Bill, supplementary to the act, reducing into one the several acts to establish a permanent Revenue, and have on their part appointed myself—

On Motion of Mr. Harberson, Mr. Johnson, was appointed manager on the part of this house to confer with Mr. Hendricks

Ordered that the Secretary inform the House of Representatives thereof—

A message from the House of Representatives by Mr. Blackford, their clerk, Mr. President The Governor by his private Secretary Mr. Prather, Notifyed the H of R that he did on the 31st of december approve and sign an act Entitled an act, Re organizing the Courts of Justice, also an act to amend the act entitled an act, authorising the Courts of common pleas to issue writs of Habeas Corpus and Certiorari in certain cases— also an act for the appointment of a Territorial Treasurer— also an act, Entitled an act, Regulating the Town of Jeffersonville Also an act supplementary to the several acts for the trial of small causes—[*]

Mr. Johnson from the committee of conference on the Bill supplementary to the act, reducing into one the several acts, to establish a permanent Revenue, Reported that the manager on the part of this house adheared to their amendments, and the manager on the part of the House of Repres. Receded from their objections to the amendments

On Motion of Mr. Harberson, The House concurred in the Report, Ordered, that the Secretary inform the House of Reps, thereof—

A message from the House of Representatives by Mr. Blackford, their clerk, Mr. President The House of Representatives have passed a Bill, to incorporate the Town of Corydon, to which they desire the concurrence of this House[10]

[10] The House Journal referred to this measure as a bill to regulate the town of Corydon.

Mr. Wilson from the committee of enrolled Bills Reported that the committee had Examined the Enrolled with the Engrossed Bill, allowing a compensation to the members of Both houses of the Legislature, and for other purposes Also an act, directing the mode of changing the venue also a memorial to Congress, also an act, authorising certain instruments of Writing to be assignable, and found them duly enrolled— Mr. Blackford, informed the House, that the Speaker of the House of Representatives had signed the said Enrolled Bills, whereupon, Mr. President signed the same,— Ordered, that the Secretary inform the House of Representatives thereof—

The Bill from the H of R, Entitled an act to incorporate the Town of Corydon was read the first time; and on motion of Mr.[*] Wilson the same was read the second and third time, and on the question that the same do pass, It was determined in the negative—

Ordered, that the Secretary inform the House of Representatives thereof

A message from the H of R by Mr. Blackford their clerk,— Mr. President— The H of R have concurred in the Report of the committee of conference on the Bill Supplementary to the act, reducing into one the several acts, to establish a permanent Revenue—and they have rejected the Bill from this House, for the Relief of the clerk of the General Court— They have passed a Joint Resolution, Respecting the examination of the office of the Treasury On Motion of Mr. Wilson— The said Resolution was Taken up and read the first and Second time, To which an amendment was made by Mr Johnson And on the question that the same do pass as amended It was carried in the affirmative—

Ordered that the Secretary Inform the House of Representatives thereof—

A message from the House of Representatives was received by Mr. Blackford, informing this House that they had, concurred, in the said amendments

The m[em]orial to Congress, from the House of Representatives praying relief for the companies of Captain Payton and Har-

grove, was read the first and second time, and on Motion of Mr. Wilson, Concurred in— Ordered, that the Secretary inform the House of Representatives thereof

A message from the House of Representatives by Mr. Blackford their clerk— Mr. President The H of R have passed an act making certain[*] specific appropriations— The said Bill was taken up and read the first time And on Motion of Mr. Johnson, the said Bill was read the second and third time —To which several amendments were made, And on the question, that the same do pass as amended, It was carried in the affirmative— A message from the H of R, by Mr. Blackford informing this house, that they had concurred in the amendments, to said Bill

A Message from the House of R, by Mr. Brown— Mr. President, I am directed by the House of Representatives, to inform this house, that they have passed a Bill, fixing the time of the annual meeting of the Legislature, untill altered by law— The said Bill was taken up and read the first time, and on Motion of Mr. Harberson, the same was read the second and third time, and passed, Ordered, that the Secretary inform the H of R therewith

Mr. Johnson from the Joint committee, appointed to contract with some person, to print the laws of the present session, Reported that the committee had contracted with William Hendricks for the printing of the same—

Mr. Wilson from the committee of enrolled Bills Reported, they had examined the enrolled with the engrossed Bill, fixing the time of the annual meeting of the Legislature, also a Resolution appointing a committee to examin the Treasuries office &c, and found them duly enrolled; Mr. Blackford, notifyed the House that the speaker had signed said acts whereupon Mr. President signed the same

Ordered that the Secretary acquaint the House of Representatives thereof[*]

On Motion made and leave given Mr Johnson Introduced a Resolution allowing compensation to R M. Heth, for Candles furnished the Legislative Council during the present session, which was read the first and second time and passed—

Ordered, that the Secretary acquaint the House of Representatives therewith—

A message from the H of R was received by Mr. Blackford, informing the house that the H of R had concurred, in the said Resolution

An then the House adjourned untill to morrow morning 9 Ock

Tuesday 4th January 1814.

The Bill from the House of Representatives, to Regulate Elections, was read the third time and passed yeas 4 nays 1 yeas and nays Called for were as follows— yeas Mr. Beggs, Harberson, Manwaring and Wilson Nay Mr. Johnson—

Ordered, that the Secretary acquaint the house of Representatives thereof

Mr. Manwaring and Wilson from the committee of enrolled Bills, Reported that the committee had examined the enrolled, with the engrossed Bill, supplementary to an act, authorising the granting of letters Testamentary and letters of administration for the settlement of Intestates Estates & for other purposes, also a Resolution allowing compensation, to R M. Heth for candles furnished the Legislative Council, also a memorial to Congress, Praying Relief for the companies of Payton and Hargrove, also an act Supplementary to the act reducing into one the several acts to establish a permanent Revenue, also[*] a Resolution to remove the Secretaries office to the seat of Goverment, and found them duly enrolled— Mr. Blackford informed the council, that the Speaker of the H of R had signed the same— Whereupon Mr. President, signed the said Bills, and the same was reported to the H of R, by the Secretary

A message from the House of Representatives by Mr. Blackford their clerk—Mr. President—The H of R have passed a Resolution, authorising the Treasurer, to audit the Salery of the present Treasurer and Auditer up to the first of February The same was passed by the L C—Mr. Wilson from the committee of enrolled Bills, Reported that the committee had examined the enrolled with the engrossed Resolution, authorising the Treasurer to audit the salery of the present Auditor & Treasurer up to the

first of February—and found it duly enrolled Mr. Blackford Clerk of the H of R, informed this house that the Speaker had signed the said Resolution, whereupon Mr. President signed the same, and the same was by the Secretary Reported to the H of R

Mr. Manwaring from the committee of enrolled Bills Reported that the committee had examined the enrolled, with the engrossed Bill regulating Elections and found the same duly enrolled—The same was Reported to be signed by the Speaker of the H of R by Mr. Blackford, whereupon Mr. President signed the same, and the same was reported to the H of R by the Secretary

On Motion of Mr Johnson The House came to the[*] following Resolution

Resolved that Mr Hendricks, be appointed a Joint committee to wait upon the Governor, and inform him that the Legislature have gone through the busyness of the Present Session, and are now ready to be prorogued—and that the Secretary inform the House of Representatives thereof—

A message from the House of Representatives by Mr. Blackford, their clerk—Mr. President the House of Representatives have concurred in the Resolution appointing Mr. Hendricks a Joint committee to wait upon the Governor, and inform that the Legislature are ready to be prorogued

And then the House adjourned to meet again to morrow morning 9 ock—

Wednesday 5th Janury 1814

House met agreeably to adjournment No busyness being before the House—On Motion of Mr. Johnson—The House adjourned untill to morrow morning 9 Ock[*]

Thirsday 6th January 1814

Mr. Manwaring from the committee of enrolled Bills, Reported that the committee had on Monday last laid before the Governer, for his approval, an act to require and compel the administrators and Securities of John MacCandless deceased formerly Sheriff of Knox County to pay into the Territorial Treasury, such sums of money as are or may be due, by the said John Mac-

Candless to the Territory—also an act to amend the act entitled an act Supplementary to the several acts regulating publick roads and highways—also an act establishing and regulating the Militia of the Indiana Territory

Mr. Sullivan,[11] from the committee appointed to examin the office of the Treasurer of the Territory and, to write the words, Paid at the Treasury,—on the face of each warrant Reported, that the committee had discharged that duty so far, as to write the words paid at the Treasury, on the face of each warrent, laid before them, by the Treasurer, But had not examined the different warrants, with the checks, neither was the checks belonging to the office laid before the committee,

Mr. Johnson from the Joint committee who were appointed to examin the situation of the auditors Books, papers &c belonging to his office, have performed that duty, and find that the late auditor has kept no regular accounts against some of the collectors of the Territorial Taxes and from the books kept by the late auditor it is impossible to asscertain what amount of money is due to the Territory prior to the year 1813—your committee therefore recommend that a law be passed to compell the former auditor to make out the account during the time he held the office[*]

A message from the House of Representatives by Mr. Blackford, their clerk—Mr President—The House of Representatives have passed a Joint Resolution compelling William Prince late auditor of Public accounts to make out an account against such collectors as he has neglected to make out accounts against The said Resolution was taken up and read the first time—And on Motion of Mr. Wilson, The rules were dispensed with, and the same was read the second and third time And on the question that the same do pass, It was determined in the affirmative—

Ordered that the Secretary acquaint the House of Representatives therewith—

Mr. Wilson from the committee of enrolled Bills, Reported that the committee had examined the enrolled with the engrossed Resolution compelling William Prince, late auditor of Public ac-

[11] John Johnson and Walter Wilson were the two members appointed to examine the warrants in the treasurer's office. *Ante,* 730.

counts, to make out an account against such collectors as he has neglected to make out accounts against—

On Motion of Mr. Wilson Mr. Manwaring obtained leave of absence, untill the end of the Session—

On Motion of Mr. Johnson—The House came to the following Resolution—Whereas both houses of the Legislature, did on the 4th Inst inform the Governer, that they had gone through their Legislative busyness and were ready to be prorogued, and whereas the expence of near fifty dollars per day, doth arise to the people [of the] Territory by reason of the Legislature being kept in session, all of which evils and inconveniences doth arise from the Governors' leaving the seat of Goverment during the session of[*] the Legislature and going to Jeffersonville, and the Legislature having to send their committees of enrolled Bills to that place, to lay them before him for his approval and Signature

Be it therefore Resolved, that in order to prevent any further expences occuring to the Territory at the present session that the president of the Legislative Council, and the Speaker of the house of Representatives be and they are hereby authorised to receive the report of the Governor of the laws by him signed or rejected and his order of prorogation &c and communicate the same to the clerks of their respective houses, who shall insert the same on their Journals, in the same manner as if the two houses were in session—Be it further Resolved that unless some communication is received from the Governer, betwixt the present time and 6 ock this evening both houses of the Legislature do then adjourn without day—Ordered that the Secretary acquaint the H of R therewith, and request their concurrence therein—

A message from the H of R by Mr. Blackford their clerk—Mr. President—The H of R have concurred in the Resolution from this house, in regard, to an adjournment—and they have passed the following Resolution—Resolved, that James Brown Esquire be a committee of enrolled Bills for the Legislative Council and House of Representatives to lay before his Excellency the Governor for his approbation and Signature a Resolution authorising & requiring William Prince, late auditor of public accounts to make out an account against such[*] collectors as he has

neglected to make out accounts against—which was read and concurred in—Ordered that the Secretary acquaint the H of R. therewith—And then the House adjourned untill six ock This evening, in case no messenger arrived from Jeffersonville, from the Governer

A messenger arriving in Town—The House convened at half past 12,—and the following message was received from the Governer by D. Floyd Esqr

Mr. President—The Governer did on the 3d Inst approve and sign [an act] entitled an act, establishing and Regulating the Militia of the Indiana Territory—also on the 5th an act supplementary to an act, authorising the granting of letters Testamentary, and letters of administration for the settlement of intestates estates and for other purposes—also an act authorising certain instruments of writing to be assignable also a Resolution making appropriation to R M Heth—also a Memorial from the Legislature to Congress—which originated in this House also so much of this Letter from General Gibson as respects a resolution, which passed this house The Resolution alluded to, in this message, was one, calling upon the Governor, for certain laws, in the Secretaries office—The substance of General Gibsons letter was, that some of the laws, called for were not in his office, and[*] that those, that were in the office, he would if a convenient opportunity offered, furnish as a matter of favour—Davis Floyd also read a proclamation of the Governers' laying off the Territory into Council districts[*]

On Motion of Mr Johnson, the H came to the following Resolutio[n] Whereas the Governer this 6th day of January 1814, hath by Davis Floyd his private Secretary, informed the L.C, that he has divided the Territory into Council districts, under the act of congress passed in the year 1809, extending the right of suffrage to the I.T. and for other purposes[12]—and whereas it is the opinion of the L C, that from a fair construction of the above law, the Governer has not, at this time the power to redivide the Territory into council districts, his predecessor, (G. Hn) having

[12] The act approved February 27, 1809. U. S. *Statutes at Large*, 2:525-26.

complyed with the requisitions of said Law by dividing the Territory into council districts, and whereas, it is the opinion of this house, that the division of the Territory into council districts as first made under the above mentioned act of congress is as equitable as it can well be to afford an equal representation of the people of the Territory in the L.C., and that the division as now made by the present Govr would destroy that equal representation in the Council that now exists, and designed to throw the weight of Representation to the eastern section of the Territoy Therefore Be it Resolved, that this house do protest against the power, which the present Governor, has assumed to redivide the Territory, into council districts, without being authorised by law so to do—And be it further Resolved, that the Secretary of this house be directed to make out three copies of the foregoing protest and sign the same, and forward one copy[*] to our delegate in Congress, one to the president of the United States & one to the president of the Senate—[*][13]

[13] These resolutions were read in the Senate on February 14, 1814, and in the House on February 5, where they were referred to a select committee. *Annals of Congress,* 13 Congress, 2 session, 1:630, 1243. According to their report the committee regarded the action of Governor Posey in redividing the districts as unauthorized by law, and thought "it most consistent with principle, to consider the act of the governor . . . as null & the former division as valid until changed in some legal manner." The committee then reported a bill vesting the authority to divide the Territory into Council districts, in the territorial House of Representatives, which bill was passed and approved March 4, 1814. Jennings to citizens of Indiana Territory, April 11, 1814, in Esarey (ed.), *Messages and Letters,* 3:30; U. S. *Statutes at Large,* 3:103; Carter (ed.), *Territorial Papers,* 8:280-81, 283-84. Posey summoned the House to meet on June 1 to outline the Council districts. See *post,* 745.

SPECIAL SESSION, JUNE 1, 1814

JOURNALS OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY, convened at the town of Corydon, in the county of Harrison, on Wednesday the first day of June, in the year of our Lord, 1814,[1] by virtue of an act of congress, approved March 4th, 1814,[2] empowering the house of representatives from time to time to lay off the territory into districts for the election of its members of the legislative council of the territory aforesaid, agreeably to the proclamation of the governor of said territory.

Present as follows:

James Brown, from Wayne county.
James Noble, from Franklin county.
Jesse L. Holman, from Dearborne county.
William Hendricks, from Jefferson county.
John Douthitt, from Clark county.
Isaac Montgomery, David Robb, and Daniel M'Clure, } from the counties of Knox, Gibson, and Warrick.

The above named Jesse L. Holman, from Dearborne county, having been elected since the last session of the legislature, was now sworn in the usual form, and together with the other members took his seat.

The house proceeded to elect a speaker—upon examination it was found that James Noble was duly elected, who accordingly took his seat.

On Motion, Resolved that Isaac Blackford be continued clerk of this house.

A motion was made by mr. Hendricks, that the house come to the following resolution.

[1] From Vincennes *Western Sun,* July 2, 1814. An incomplete manuscript journal for this session, bound with the manuscript journal for the 1813-14 session of the Assembly, is in the Archives Division, Indiana State Library. Governor Posey's proclamation of April 4 convening the House on June 1 is printed in Esarey (ed.), *Messages and Letters,* 2:642, from the Vincennes *Western Sun* of April 16, 1814.

[2] U. S. *Statutes at Large,* 3:103. See *ante,* 744n.

Resolved, That the clerk of this house commence the Journals of the present session in the following form, viz.

Journals of the house of representatives of the Indiana territory, convened at the town of Corydon, in the county of Harrison on Wednesday the first day of June, in the year of our Lord, 1814 by virtue of an act of congress, approved March 4th, 1814, empowering the house of representatives from time to time to lay off the territory into districts for the election of its members of the legislative council of the territory aforesaid, agreeably to the proclamation of the governor of said territory.

The said resolution was read,

On the question—Will the house concur in said resolution? It was determined in the affirmative.

The yeas and nays being demanded by mr. Robb—Those who voted in the affirmative, are messrs. Brown, Douthitt, Hendricks, Holman, Noble, (speaker.) Those who voted in the negative, are Montgomery, M'Clure, Robb.

On Motion, Ordered that a committee be appointed to examine the credentials of Jesse L. Holman, a member of this house elected since the last session of the legislature, and report thereon—whereupon messrs. Robb, Hendricks and Brown were appointed that committee.

Mr. Pennington, the representative from Harrison county, appeared and took his seat.

On Motion; Ordered that the rules and regulations adopted by the house of representatives for the government thereof, during the last session of the legislature, be continued the rules and regulations of this special meeting.

Mr. Hendricks from the committee appointed to examine the credentials of mr. Holman reported, that the said Jesse L. Holman had been duly elected a member of this house, to supply the vacancy of Isaac Dunn, resigned, and that he is entitled to a seat in this house

On the question, will the house concur in said report? it was determined in the affirmative.

The yeas and nays being demanded by mr. Pennington—those who voted in the affirmative are messrs. Brown, Douthitt, Hen-

dricks, Montgomery, M Clure, Robb, Noble, (speaker.) Mr. Pennington voted in the negative.

Mr. Hendricks asked leave to bring in a bill laying off th territory of Indiana into districts for the election of its members of the legislative council.

On the question—shall leave be granted to introduce said bill? —It was decided in the affirmative.

The yeas and nays being demanded by mr. Robb—Those who voted in the affirmative are messrs. Brown, Douthitt, Hendricks, Holman, Montgomery, Noble, (speaker) Those who voted in the negative are messrs. M'Clure, Pennington, Robb.[3]

[3] The strong opposition to the reapportionment of the Council by a special session of the House, on the part of Robb and McClure, of Knox County, and Pennington, of Harrison County, is evident in this Journal. Earlier, soon after Posey's proclamation calling the session was issued, the following letter setting forth arguments of this opposition appeared in the *Western Sun* (issue of April 23, 1814), signed by Rocus, probably written by David Robb: "Mr. Editor, In your last number, I was no less astonished, than ashamed, to see the proclamation of our executive calling the members belonging to the house of representatives of the Indiana territorial legislature (supposing we had a legislature) together on the first day of June, ensuing, then and there to take up the subject of an act of congress, establishing the mode of laying off the territory of Indiana into council districts, &c. agreeable to the intent and meaning thereof.

"Permit me to refer you, the members of the house of representatives, and your subscribers, to the act of congress alluded to . . . and if any one of you, construe the law and the intention of congress as the executive has done, it is more, and I will pledge myself for it, than the enactors of the law anticipated, or had any reason to anticipate.

"The 2d section of the act, says 'that the districts established by governor Harrison in the year 1809, shall remain as the lawfully authorised districts, for the election of members of the ligislative council of said territory, until the house of representatives thereof shall have exercised the power vested in that body by the first section of this act.'

"Now was it not the intention of congress, and is it not the intention and meaning of the law—that the house of representatives might, when the legislature is in session, (should they think proper) alter the districts made by governor Harrison, every man will say it was and is the meaning.

"Is there any thing in the act that compells, and makes it the duty of the house of representatives, to alter the districts from the manner they now stand—is there any thing obligatory. I am certain, and conscientiously think, that every reasonable man will say with me, that it is discretionary with the house of representatives—they may, or they

The said bill was read the first time.

On motion, The said bill was read the second time.

Mr. Robb moved that the said bill be engrossed and read a third time now.

Mr. Holman moved to amend the said bill by striking out the word 'bill' in the caption, and inserting in lieu thereof the word 'resolution'—also to strike out the words 'be it enacted' throughout the bill, and the words 'it is hereby enacted by the authority of the same,' and insert in lieu thereof the following words, viz. 'Whereas by an act of congress approved on the 4th March, 1814, the house of representatives of the Indiana territory are empowered from time to time to lay off the said territory into five districts for the election of the members of the legislative council of the territory aforesaid—therefore, be it resolved.'

Which motion was **negatived.**

On the question—shall the said bill be engrossed and read a third time now? It was decided in the negative.

may not, just as they may deem proper. Then is it policy, is it oeconomy, to call together the members of the house of representatives upon a mere riddle, or supposition—unsolicited by a majority of the people or members . . . suppose one member to be unable to attend the meeting—eight would be the aggregate, four in favor of the present districts, the other opposed to them, what would be the result—they would emit naught, but would incur an unnecessary expense to the people of the territory.

"I presume, and have good reason to believe, that it was the intention and calculation of congress, for the present council districts to be the districts from which the councillors should be elected the ensuing election, and indeed it might be judged to be the meaning of the law—read this part of the 2d section—'And be it further enacted, that the districts established by governor Harrison, shall remain as the lawfully authorised districts for the election of members of the legislative council of said territory, until' &c &C.

"I shall now ask, where is the authority that vests the governor with the puissance of convening either branch of the legislature without the other—there is no act either of the general or territorial government delegating that power to the executive of the territory—yet it appears it will be done, and I am well convinced that an executive should only do that which the law empowers him to do . . . "

A statement, made by Robb at the close of the session, raising the same questions as in this letter concerning the legality of the Governor's action in convening the House, appeared in the *Western Sun* of July 2, immediately following the printing of the session Journal. It is given *post,* 752n-53n.

The yeas and nays being demanded by mr. Robb—the members unanimously voted in the negative.

Mr. Robb moved that the house resolve itself into a committee of the whole on said bill—which motion was negatived.

Mr. Robb moved that the house adjourn without day—which motion was negatived.

The yeas and nays being demanded by mr Robb—those who voted in the affirmative are messrs. M'Clure, Pennington, Robb

Those who voted in the negative, are messrs. Brown, Douthitt, Hendricks, Holman, Montgomery, Noble, (speaker.)

Mr. Robb moved that the house adjourn 'til 2 o'clock this afternoon—motion negatived.

Mr. Holman moved to amend the bill aforesaid, by striking out the word 'bill' in the caption, and inserting in lieu thereof the word 'resolution'—also to strike out the words 'be it enacted' throughout the bill, and the words 'it is hereby enacted by the authority of the same,' and insert in lieu thereof the following words, viz.—'Whereas by an act of congress approved on the 4th March, 1814, the house of representatives of the Indiana territory, are empowered from time to time to lay off the said territory into five districts for the election of the members of the legislative council of the territory aforesaid—therefore, be it resolved by the members of the house of representatives of the Indiana territory, convened at the town of Corydon, at the seat of government for said territory, on the 1st day of June, 1814, by virtue of the above recited act of congress of the U. States, and it is hereby resolved by the authority of the same.'

On the question—shall the bill be so amended?— It was decided in the negative.

A motion was made by mr. Robb, that the house come to the following resolution.

'Be it resolved by the members of the house of representatives, and it is hereby resolved by the authority of the same, that it is the opinion of the members of the house of representatives, that the late law of congress establishing the mode of laying off the Indiana territory into five districts, &c. does not authorise the members of the house of representatives to lay off the Indiana

territory into districts for the election of its members to the legislative council, when convened in the manner in which they are at present convened.'

The said resolution was read.

On the question—will the house concur in said resolution?—It was decided in the negative:

The yeas and nays being demanded by mr. Robb—those who voted in the affirmative, are messrs. M'Clure, Pennington and Robb. Those who voted in the negative, are messrs. Brown, Douthitt, Hendricks, Holman, Montgomery, Noble, (speaker.)

On motion, The house adjourned 'till 3 o'clock this afternoon.

Three o clock—the house met pursuant to adjournment.

On motion of mr. Hendricks—the bill laying off the Indiana territory into districts for the election of its members of the legislative council, was amended, by striking it out from the enacting clause.

The said bill was then engrossed and read a third time.

On the question—shall this bill pass?—It was decided in the negative.

Mr. Holman introduced the following resolutions for the consideration of the house

A resolution of the house of representatives of Indiana territory, laying off said territory into districts for the election of its members of the legislative council—whereas by an act of congress, approved on the 4th day of March, 1814, the house of representatives of Indiana territory are empowered from time to time to lay off the said territory into five districts for the election of the members of the legislative council of the territory aforesaid—therefore, be it enacted by the members of the house of representatives of the Indiana territory aforesaid, convened in the town of Corydon, at the seat of government for said territory, on the first day of June, 1814, by virtue of the above recited act of congress of the U. States, and it is hereby resolved by the authority of the same, that from and after the passage hereof the following shall be the districts for the election of the members of the legislative council for the territory aforesaid, to wit:[the counties of Washington and Knox shall form one district and elect one councellor—the counties of

Gibson and Warrick shall form one district and elect one councellor—the counties of Harrison and Clark shall form one district, and elect one councellor—the counties of Jefferson and Dearborn shall form one district and elect one councellor—the counties of Franklin & Wayne shall form one district, and elect one councellor. And each of the councellors' thus to be elected in each district aforesaid, to serve as members of the legislative council for said territory, during the time fixed by law.]

And be it further resolved, that the governor be, and he is hereby requested to use such measures as he may deem necessary for causing the foregoing resolution to be made known to the said several districts in the said resolution established, in order that the said districts may proceed to elect the members of the said legislative council agreeably to the laws of said territory.[4]

Mr. Robb moved to amend the said first mentioned resolution under consideration, by striking out the words, 'the above recited act of congress of the U. States,' and inserting in lieu thereof, the words 'the proclamation of the governor.'

On the question—shall the resolution be so amended?—It was decided in the negative.

The yeas and nays being demanded by mr. Robb—those who voted in the affirmative, are messrs. M'Clure, Montgomery, Pennington and Robb.

Those who voted in the negative, are messrs. Brown, Douthitt, Hendricks, Holman and Noble, (speaker.)

Mr. Robb moved to amend the said first mentioned resolution by striking out the last four lines, from the word councillor—motion negatived.

A motion was made by mr. Pennington to amend the said resolution by striking out the words 'be it,' in the ninth line from the commencement of said resolution—motion negatived.

[4] The bracketed portion of this resolution was omitted in the proceedings as printed in the *Western Sun* of July 2, 1814. It is taken from the resolution printed in the *Western Sun* of June 18. The resolution as printed on June 18 is the same as given here except that the "be it enacted" reads "be it resolved," and the last paragraph giving instructions to the Governor is omitted.

On the question—will the house concur in said resolution?—it was decided in the affirmative.

The yeas and nays being demanded by mr. Robb, those who voted in the affirmative, are messrs. Brown, Douthitt, Holman, Hendricks, Montgomery, Noble, (speaker.)

Those who voted in the negative, are messrs M'Clure, Pennington and Robb.

On motion, Ordered that James Brown be appointed to convey the said resolutions to his excy. the governor of the territory.

On motion of mr. Robb, Resolved that the clerk of this house do transmit to the editors of the Western Eagle and Western Sun, a complete copy of the journals of this house for and during this extra session, that the same may be inserted in their respective papers for the information of the citizens of the territory, & to enable them to judge of the qualifications and integrity of their representatives.

A motion was made by mr. Hendricks, that the house adjourn.

When mr. Robb moved that permission be given to enter on the journals a protest signed by himself, M'Clure & Pennington.[5]

[5] This protest was printed in the *Western Sun,* on July 2, 1814: "At the aforesaid meeting of the members of the house of representatives, convened at Corydon, (not by virtue of an act of congress as is stated in the aforesaid journals) but by virtue of the proclamation of the executive of the territory, bearing date the 4th day of April, 1814, as will more fully appear from the said act and proclamation, reference being had thereto—the undersigned voted against laying off the territory into council districts at this time, conceiving that the governor was not authorised by the ordinance of congress, or any law of the territory to convene the members of one branch of the legislature, without the other —that there does not at this time exist any legislature in the territory, the time for which the members of the legislative council were elected having expired on the first day of April last—and that the late act of congress establishing the mode of laying off the Indiana [territory] into five districts, &c. authorises the house of representatives of the Indiana territory, (when they shall form a legally constituted body) to lay off the said territory into five districts for the election of its members of the legislative council, when, and as often as the situation of the said territory may require. But a majority of the members convened as aforesaid, proceeded to lay off, by resolutions, the said territory into council districts, as will more fully appear by said resolutions and the journals, reference being had thereto.

"Wherefore, the undersigned members, convened at Corydon as

But the previous question for adjournment being called for, mr. Robb's motion was declared out of order.

On the question—will the house adjourn?—it was decided in the affirmative.

The yeas and nays being demanded by mr. Robb, those who voted in the affirmative, are messrs. Brown, Douthitt, Holman, Hendricks, Montgomery, Noble, (speaker.)

Those who voted in the negative, are messrs. M'Clure, Pennington and Robb.

And the house adjourned accordingly.

aforesaid, by virtue of said proclamation, do hereby protest, as well against the assumption of power in the governor, as the acts of the present meeting of the members of the house of representatives, firmly believing that the late act of congress establishing the mode of laying off the Indiana into five districts, &c. does not authorise the governor of the territory to convene the members of the house of representatives in the manner, and upon the occasion which he has at present—nor upon any other—or to require them to lay off the territory into districts if the house was legally in session. And that the members of the house of representatives cannot legally act in an official capacity, as the representatives of the people, or constitute the house of representatives, when convened in any manner, or upon any occasion, other than (or contradictory to) that which is authorised by the ordinance or other existing laws."

FIFTH GENERAL ASSEMBLY
FIRST SESSION

August 15—September 10, 1814

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY begun & held at the Town of Corydon in the county of Harrison, on monday the fifteenth day of August, in the Year of our Lord, one thousand eight hundred & fourteen,[1] On which day, being the day appointed by a proclamation of the Governor, for the meeting of the General Assembly,[2] the following members of the House of Representatives, appeared, Viz[3]

James Brown from Wayne County.
Ezra Ferris from Dearborn County.
William Hendricks from Jefferson County.
Alexander Buckner from Clarke County
Dennis Pennington from Harrison County
William Po[l]ke from Knox County.
James Smith from Gibson County.
Marston G. Clarke from Washington County.

All of whom having produced their credentials, were sworn in the usual form, & took their seats.—

[1] From manuscript Journal in Archives Division, Indiana State Library.

[2] Posey issued his proclamation from Jeffersonville on July 16, calling the Assembly to meet at Corydon on August 15. The proclamation opened: "Whereas circumstances of a nature highly important to the welfare and interest of the territory, render it necessary that the Legislature should convene at an earlier period than is fixed and prescribed by law. . . ." Vincennes *Western Sun,* July 23, 1814; Esarey (ed.), *Messages and Letters,* 2:657.

[3] The regular biennial elections for the House of Representatives and the territorial delegate to Congress, and the election of the members of the Legislative Council under the new reapportionment resolution passed by the House at its special meeting in June, were held on August 1, 1814. Members of the Council elected were: Jesse L. Holman, Dearborn and Jefferson counties; David Robb, Gibson and Warrick counties; John Harbison, Harrison and Clark counties; John Johnson, Washington and Knox counties; and John Test, Franklin and Wayne counties. Jennings was re-elected territorial delegate over Elijah Sparks, of Dearborn County.

The House proceeded by ballot to elect a Speaker—Upon examination it appeared that William Hendricks was duly elected, who accordingly took his seat. The House proceeded by ballot to elect a Clerk—Upon examination it appeared that Isaac Blackford was duly elected, who was accordingly sworn into office.

On motion Ordered that Alpheus Branham[4] be appointed Door Keeper to this House; & that he give his attendance accordingly.[*]

On motion Ordered that the Clerk of this House inform the Legislative Council, that the House of Representatives have formed a quorum—that they have elected William Hendricks Speaker, Isaac Blackford Clerk; & are ready to proceed to Legislative business.

On motion Ordered that a committee of Elections be appointed to examine the credentials of the members of this House. Whereupon Messrs Pennington, Brown, Ferris & Clark were appointed that committee.

A message from the Legislative Council by Mr. Sullivan their Secretary. Mr. Speaker: I am directed to inform this House that a quorum of the Legislative council is assembled, & ready to proceed to business, that they have elected Jesse L. Holman President, & George R. C. Sullivan Clerk. The Legislative council have concurred in the appointment of Alpheus Branham as door keeper to both Houses of the Legislature.

Ratliff Boone appeared as a member of the House of Representatives from the county of Warrick, produced his credentials, was sworn & took his seat.

On motion Ordered that a committee of ways & means be appointed to act with such committee as may be appointed on the part of the Legislative council for that purpose. Whereupon Mr. Pennington was appointed that committee.

[4] Branham was a citizen of Harrison County. He served at Tippecanoe as a private in Spier Spencer's company. In 1818 he was taxed $18.00 for keeping a tavern, probably the tavern maintained by William Branham in Corydon until his death some time prior to 1819. Nellie A. Robertson and Dorothy Riker (eds.), *The John Tipton Papers* (3 vols. *Indiana Historical Collections,* vols. 24-26, Indianapolis, 1942), 1:86, 122n, 144.

Ordered that the Clerk inform the Legislative council therewith.[*]

On motion Ordered that a committee be appointed on the part of this House to act with such as may be appointed on the part of the Legislative council, to wait on the Governor & inform him that a quorum of both Houses is assembled, & ready to receive any communication he may be pleased to make. Whereupon Messrs Brown & Clarke be appointed that committee.

Ordered that the Clerk inform the Legislative council therewith.

On motion Ordered that the rules & regulations established by the House of Representatives at their last session be continued the rules & regulations of this House until a revision or alteration of the same shall take place.

On motion Ordered that the joint rules & regulations of both Houses adopted at the last session, be continued until altered or revised, & that the Clerk inform the Legislative council therewith & desire their concurrence.—

Mr. Brown from the committee appointed to wait on the Governor & to inform him that a quorum of the two Houses was assembled & ready to receive any communications he may be pleased to make them, reported that the committee had performed that service; & that the Governor answered that he would make a communication immediately.

On motion Ordered that the Clerk inform the Legislative council that this House is now ready to receive them, in order to hear the Governors communication.

The Legislative council entered and were seated on the left of the Speaker's chair.[*]

The Governor attended, escorted by the joint committee, and made the following communication.

GENTLEMEN OF THE LEGISLATIVE COUNCIL & GENTLEMEN OF THE HOUSE OF REPRESENTATIVES

The circumstances which have been considered to exist by the passage of a law at the last session of the Legislature, entitled

"An Act reorganizing the courts of Justice,"[5] have con[s]trained me to convene the Legislature at the present period, beleiving it to be necessary that the law should undergo a reconsideration & amendment, or make such other arrangements as in the discretion of the Legislature may be thought adviseable. The present existing law reorganizing the courts of Justice, has not only been thought defective by the Judges of the Superior Court, but by a number of law characters, & other men of information & experience. Some of the courts have been partially organized, & in some counties there have been no courts established under the present law, and none of the courts have proceeded to do business considered of any material consequence—That taking into consideration the grievances the citizens of the Territory labor under in the delay & stop put to the proceedings of the courts, I have thought it my indispensable duty to convene the Legislature as early as possible after the election.[6]

It may also be adviseable that the militia law should undergo a reconsideration—The mode for calling out the militia into actual service in time of invasion is not so clearly defined as it may be[7]; and by a reconsideration other defects[*] may probably be discovered, which may make it necessary to amend. At all times

[5] Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 474-81. See *ante,* 617n-18n.

[6] The bill introduced in this session to repeal the act passed at the preceding session reorganizing the courts of justice apparently failed to pass. *Post,* 826, and note. However, this act was completely supplanted by a series of laws passed at this session:

1. an act adjourning the General Court until March term, 1815;
2. an act establishing circuits courts;
3. an act fixing the time of holding circuit courts;
4. an act regulating the practice in circuit courts;
5. an act transferring the business of the former circuit courts to the newly established circuit courts;
6. an act regulating the practice in chancery cases.

Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 517-25, 557-58, 567-73, 573-85.

[7] Section 3 of the amendatory militia act passed at this session clarified and strengthened the power of the commander-in-chief and authorized officers of the United States in regard to calling out a detachment of the territorial militia in case of actual or threatened invasion. *Ibid.,* 561.

it is necessary to have the militia well organized & kept in good order, but particularly at the present crisis of the state of affairs so interesting to the United States. Peace may take place between the United States & Great Britian at a short period, but from recent circumstances that have taken place in Europe, I am of opinion that peace is much more remote than many calculate upon; and the best way to have an honorable peace is to be well prepared for War. I do not despair in obtaining an honorable peace, neither have I a want of confidence in the administration of our General Government, or in the disposition of the citizens at large, to risk their lives and property for the security of our just rights—God will protect our country if the citizens have virtue, and will lay their shoulders to the wheels of Government. Better would it be for the credit of our nation to wage a perpetual war than be disgraced by a relinquishment of the rights of freemen—

The length of the present session depends upon yourselves, you can make it long, or short, as may best comport with the interests of our Territory. I shall not only feel it a duty incumbent upon me to cooperate with you, but it will be a pleasure for me to do so, & to render every possible service for the public good. In the course of your deliberations I recommend harmony & wish you a pleasant session.

TH. POSEY.

CORYDON 15th Augt 1814.[*]

Tuesday morning, nine Oclock [August 16]

The House met pursuant to adjournment.

The Speaker laid before the House certain documents from Clarke county, on the subject of a contested election.

James Noble appeared as a member of this House from Franklin county, produced his credentials, was sworn and took his seat.—

On motion, Ordered that the credentials of James Noble be referred to the committee of Elections.

On motion, Ordered that a committee be appointed to draft an answer to the Governor's communication.—Whereupon Messrs Noble & Clarke were appointed that committee.

Mr. Pennington from the committee of Elections reported in part as follows Your committee to whom was referred the certificates of the members from the several counties have had the same under consideration, & find the following persons duly elected, & entitled to seats in this House, Viz. Marston G. Clarke from Washington County, James Brown from Wayne County, Ezra Ferris from Dearborn County, William Hendricks from Jefferson County, Dennis Pennington from Harrison County, William Polke from Knox County, Ratliff Boone from Warrick County & James Noble from Franklin County.

A committee of enrolled bills was appointed, consisting of Mr. Brown. Ordered that the Clerk inform the Legislative council therewith.[*]

Mr. Pennington from the committee of Elections made a further report in part, as follows Your committee to whom was referred the certificates of the members of this House have had the same under consideration & do further report in part that they are of opinion that Alexander Buckner of Clark County is not entitled to a seat in this House, from the face of the certificate of the Clerk of Clarke County, which county is therefore without representation. The House resolved itself into a committee of the whole House on the report of the committee of Elections, relating to the member from Clarke County, & after some time spent therein Mr. Speaker resumed the chair & Mr. Polke reported, that the committee had, according to order, had the said report under consideration, & concurred in the same; which was again read at the Clerks Table, & concurred in by the House.

On motion, Ordered that a select committee be appointed to wait on the Governor & inform him that the seat of the Clark County member in the House of Representatives is vacated— Whereupon Messrs Brown & Pennington were appointed that committee.[8]

The House adjourned till two Oclock this afternoon.—

[8] Governor Posey issued a writ on this day (August 16) to the sheriff of Clark County, commanding him to hold an election on August 27 for a representative to the General Assembly. Charles Beggs was elected and took his seat on September 1. *Post,* 795. Efforts on Buckner's

Tuesday afternoon the House met pursuant to adjourn[men]t. Mr. Brown laid before the House a petition & documents of William Long respecting a divorce, which were read & committed to a select committee, consisting of Messrs Noble, Boone & Smith.[*]

Mr. Noble laid before the House the petition & documents of Joseph Curtis praying a divorce, which were read, & committed to a select committee consisting of Messrs Noble, Polk[e] & Brown, with leave to report by bill or otherwise.

Mr. Noble laid before the House the petition of sundry inhabitants of Franklin County respecting the division of counties, which was read & committed to a select committee consisting of Messrs Pennington, Noble & Clarke, with leave to report by bill or otherwise.

Mr. Ferris laid before the House the petition of sundry inhabitants of Dearborn County, praying the incorporation of a company for the purpose of building a bridge over Tanners Creek near Lawrenceburgh, which was read & committed to a select committee, consisting of Messrs Ferris, Noble & Polke, with leave to report by bill or otherwise.

Mr. Noble from the committee appointed for that purpose reported a bill relating to the building of a bridge over Tanners Creek, which was read the first time, And

On motion, Ordered that the said bill be read a second time to morrow.

A message from the Legislative council by Mr. Sullivan their Secretary. Mr. Speaker the Legislative council have concurred with this House in the adoption of the joint rules & regulations

part to present his claim to the seat in the House failed. *Post,* 797, 798, 803. A native of Kentucky, Buckner came to Clark County in 1812 at the age of twenty-seven. He was an able lawyer and practiced his profession throughout the Territory. In 1818, as the result of a duel fought with Thomas H. Blake, he left the state and went to Missouri. There he played an influential role and was representing that state in the U. S. Senate at the time of his death in 1833. *Biographical Directory of the American Congress, 1774-1927* (Washington, D. C., 1928), 756; Daniel McDonald, *A History of Freemasonry in Indiana from 1806 to 1898* (Indianapolis, 1898), 321-26.

of last session—They have appointed Mr. Test a committee of enrolled bills.

On motion of Mr. Ferris A select committee was appointed[*] to draft a bill for the better regulation of Roads and Highways, consisting of Messrs Clark, Ferris, & Noble.

On motion of Mr. Noble Ordered that a committee be appointed to draft forms for Justices of the peace so as to make their proceedings less liable to error, & to bring in a bill in amendment of the act, entitled an act for the trial of small causes & for other purposes.—Whereupon Messrs Noble, Brown & Boone were appointed that committee.

On motion of Mr. Pennington Ordered that a committee be appointed to examine the act for the support of illegitamate children, to see if any, & if any what amendments are necessary, with leave to report by bill or otherwise. Whereupon Messrs Pennington, Smith and Polke were appointed that committee.

The House adjourned till tomorrow morning nine Oclock.

Wednesday morning [August 17]

The House met pursuant to adjournment.

Mr. Pennington from the committee of Elections reported that the committee had examined the credentials of James Smith the sitting member from Gibson County, & the documents of Edmond Hogan of said county, have had the same under consideration & after proper examination are of the opinion that James Smith is entitled to his seat in this House.

The House resolved itself into a committee of the whole on the said report, and after some time spent therein Mr. Speaker resumed the chair, & Mr. Browne reported that the committee had, according to order had the said report under consideration, and concurred[*] in the same; which was again read at the Clerk's Table and concurred in by the House.

On motion, Ordered that the Clerk of this House deliver to the Clerk of Gibson County Circuit Court the poles of the election in said county.

Mr. Noble from the committee to whom was referred the petition of Joseph Curtis for a divorce, reported a bill to dissolve

the marriage contract of said Curtis & his wife; which bill was read the first time; & on motion

Ordered that said bill be referred to a committee of the whole House, & made the order of the day for tomorrow.

Mr. Noble from the committee to whom was referred the petition of sundry inhabitants of Franklin County on the subject of new counties, reported a bill on the subject, which was read the first time, & on motion the said bill was read a second time.

Ordered that said bill be referred to a committee of the whole House & made the order of the day for Saturday next.[9]

Mr. Pennington laid before the House the petition of the Judges of Harrison County Circuit Court & others praying a special act allowing an additional Tax on such Taxable property in Harrison County as may be thought proper, to defray the expences of the public buildings in said county, which was read & referred to a select committee consisting of Messrs Clarke, Brown & Smith, with leave to report by bill or otherwise.[10]

The Bill incorporating a company for the building a bridge over Tanner's Creek near Lawrenceburgh, was read the second time; & referred to a select committee, consisting of Messrs Ferris Noble & Polke.[*]

Mr. Clarke laid before the House a petition of John Gibson, Secretary of the Territory, praying compensation for certain serv-

[9] No further action on this bill is recorded.

[10] The retention of the capital at Corydon no doubt depended in part upon the ability and willingness of Harrison County citizens to furnish suitable quarters for the territorial offices and meetings of the General Assembly. In May, 1814, the Harrison County Court of Common Pleas appointed Davis Floyd, John Smith, and David Craig trustees to contract for the building of a stone or brick courthouse on the public square in Corydon. The court had been meeting in a house purchased by the county from George F. Pope situated on lot 12. In August, 1814, they reported to the court that they had contracted with Dennis Pennington for the stonework at one thousand dollars, and with John Smith for the wood and carpenter work at about two thousand dollars. It is interesting to note that it was Pennington who, as the representative from Harrison County, introduced the petition of the judges. The committee to which the petition was referred reported against granting their prayer. *Post,* 764; Minute Book of the Court of Common Pleas of Harrison County (June 1811—November 1814), April and July terms, 1814, Microfilm box 21, Genealogy Division, Indiana State Library.

ices, which was read & referred to a select committee, consisting of Messrs Clarke & Noble.

The House adjourned till Two Oclock this afternoon.

Wednesday afternoon.

The House met pursuant to adjournment.

Mr. Clarke from the committee to whom was referred the petition of the Secretary of the Territory, reported that it was the opinion of the committee that the petitioner is entitled to & ought to receive from the Territory Thirty six dollars & forty five cents for making out nine copies of the law reorganizing courts of Justice & transmitting the same to the Clerks of the different counties.[11]—

Mr. Noble from the committee appointed for the purpose, reported an answer to the Governor's communication, which was read, & concurred in by the House.

Ordered that the Clerk make out the necessary copies of the said answer to the communication of the Governor; & that a select committee be appointed to wait on the Governor & ascertain when his Excellency will attend to hear the said answer. Whereupon Messrs Noble & Pennington were appointed that committee.

Mr. Noble from the committee to whom was referred the petition of William Long, & the documents accompanying it, reported, that the committee had, according to order, examined the said petition & documents & are of opinion that the prayer of the petitioner ought not to be granted; in which report the House concurred.

On motion of Mr. Pennington Ordered that a committee be appointed to enquire whether any, and if any[*] what regulations are necessary to be prescribed by law to regulate the practice of physic in the Indiana Territory—whereupon Messrs Noble, Brown and Clarke were appointed that committee. The Yeas & Nays being demanded on the question above mentioned as to the appointment of a committee to enquire into the regulations for

[11] By the act making specific appropriations passed by this session, Gibson was allowed twenty dollars for copying and transmitting nine copies of the said law to the clerks of the various counties. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 566.

the practice of physic,—Those who voted in the affirmative are Messrs Boone, Brown, Clarke, Noble, Pennington, Hendricks (Speaker).—Those who voted in the negative are Messrs Polke & Smith.—

On motion of Mr. Noble Ordered that that part of the Governor's communication on the subject of the militia, be referred to a select committee—whereupon Messrs Noble, Clarke Brown & Polke were appointed that committee.

On motion of Mr. Ferris, Ordered that a committee be appointed to examine the law regulating Elections, to see what amendments or alterations are necessary to be made to the same, with leave to report by bill or otherwise. Whereupon Messrs Noble & Ferris be appointed that committee.—

The House adjourned 'till tomorrow morning nine Oclock.—

Thursday morning, [August 18]

The House met pursuant to adjournment.

On motion of Mr. Noble, Ordered that a committee be appointed to examine the several laws or acts allowing interest on Territorial warrants & county claims, with leave to report by bill or otherwise,—Whereupon[*] Messrs Noble and Browne were appointed that committee.

Mr. Noble from the committee to whom was referred the examination of the Laws on the subject of interest on Territorial warrants & county claims, reported a bill on the subject, which was read the first time, & committed to a committee of the whole House, and made the order of the day for monday next.

Mr. Clarke from the committee to whom was referred the petition of the Judges of the Circuit Court of Harrison County & others, reported that in the opinion of the committee, the prayer of the petitioners ought not to be granted,—In which report the House concurred.—

The House resolved itself into a committee of the whole on the bill to dissolve the marriage contract of Joseph Curtis & wife; & after some time spent therein Mr. Speaker resumed the chair & Mr. Clarke reported that the committee had, according to order, had the said bill under consideration, & had made some amend

ments to the same—which were again read at the clerks Table & concurred in by the House.—

On motion, The said Bill was engrossed & read a third time.

On the question, Shall this bill pass? It was decided in the negative.—

On motion of Mr. Pennington Ordered that a select committee be appointed to prepare & bring in a bill to prevent persons owning slaves in any of the United States, from bringing them into this Territory & liberating them in order to evade the Laws of their respective States,—Whereupon Messrs[*] Pennington and Polke were appointed that committee

Mr. Noble from the committee appointed to wait on the Governor to ascertain when he would attend to hear the answer of this House to the communication of his Excellency, reported that the Governor would attend the House of Representatives at twelve Oclock this day.

Mr. Pennington from the committee appointed to examine the laws relating to the support of illegitamate children, report a bill to amend the act entitled an act for the support of illegitamate children, which was read the first time, And on motion,

Ordered that the said bill be read a second time tomorrow.

Mr. Noble from the committee appointed to examine the Laws regulating the practice of physic, reported a bill regulating the practice of physic; which was read the first time, And on motion

Ordered that the said bill be read a second time tomorrow.

On motion of Mr. Noble Ordered that a committee be appointed to draft a memorial to Congress, praying pay for all the militia that have performed services in the Territory since the first day of January 1813, that have not received pay & any others that were previous to 1813 engaged in service—& that the said committee be instructed to call on the Governor for copies of any orders issued by him calling out the militia, or that issued by General John Gibson while acting Governor.[12] Whereupon

[12] The memorial drafted by the committee and introduced by Noble on August 22 was apparently the one that passed the Assembly and was signed by the Governor on September 10. A second memorial to Congress

Messrs Noble, Clarke, Brown, & Polke be that committee.—[*]

On motion of Mr. Noble Ordered that a committee be appointed to draft a memorial to Congress praying that the time of payment for lands purchased by individuals of the United States since the year 1810 within this Territory may be extended; and to rescind the back interest; and also to subdivide quarter sections of land in this Territory, or to reduce the price of such quarter sections that are of an inferior quality.[13] Whereupon Messrs Noble & Clarke were appointed that committee.—

On motion of Mr. Browne Ordered that a committee be appointed to bring in a bill making provision for the asses[s]ment and collection of a tax in the county of Clarke for the years 1813 & 1814, & also in all other counties where Listers have not been appointed or taxes levied for the present year—and to enquire whether any & if any what alterations are necessary to be made in the several laws to establish a permanent revinue, with leave to report by bill, or otherwise.—Whereupon Messrs Brown, Ferris & Boone, were appointed that committee.

On motion of Mr. Pennington Ordered that a select committee be appointed to examine the act entitled an act regulating marriages to see if any, & if any, what amendments are necessary, with leave to report by bill or otherwise. Whereupon Messrs Pennington, Polke, & Smith were appointed that committee.

The House adjourned 'till tomorrow morning 9 Oclock.—[*]

on the same subject was introduced by Noble on August 29 from the Committee on Military Affairs. The approved memorial was presented to the U. S. House of Representatives on September 30 and was referred to the Secretary of War. *Post,* 772, 786, 810; *Annals of Congress,* 13 Congress, 3 session, 335. The text of the memorial is given *post,* 830-34.

[13] The memorial which the committee drafted was passed and forwarded to Congress where it was presented to the House by Jonathan Jennings on September 22. The request was in part granted by a bill which was signed by the President on February 14, 1815, extending the time of making payments on lands purchased between April 1810 and April 1811. *Annals of Congress,* 13 Congress, 3 session, 305, 1907. See *post,* 768, 787, 795, for the introduction of the memorial and action taken on it. The text of the memorial is given in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 806-8.

Friday morning [August 19]

The House met agreeably to adjournment.

The Bill to amend the act entitled "An Act for the support of illegitimate children," was taken up & read the second time. Whereupon the said bill was referred to a committee of the whole House, & made the order of this day—The House resolved itself into a committee of the whole on the said bill; & after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported that the committee of the whole had according to order, had the said bill under consideration & made some amendments to the same, which were handed in at the Clerks table, where they were read & concurred in by the House. Ordered, That the said bill be engrossed & read a third time on monday next.

A message from the Legislative council by Mr. Sullivan their Secretary. Mr. Speaker, the Legislative council have passed a bill adjourning the General Court, in which they desire the concurrence of this House.—The said bill was read the first time, & on motion the said bill was read the second & third times & passed. The Yeas & nays being demanded, those who voted in the affirmative are Messrs Boone, Brown, Ferris, Noble, Po[l]ke, Smith—Hend[ric]ks Speaker. Those who voted in the negative are Messrs Clarke & Pennington.—

On motion of Mr. Noble, Resolved That the Treasurer of the Territory be requested to report to this House the amount of taxes due the Territory from each county for the year 1813 & previous, & as far as in his power for the present year—and that the door keeper serve a copy of this resolution on the Treasurer.[*]

The Governor agreeably to information waited on the House of Representatives, and received their address as follows, [two pages of record here left blank][14]

On motion Ordered that the report of the committee on the petition of the Secretary of the Territory, lie on the Table.

The House adjourned 'till tomorrow morning 9 Oclock.

[14] No copy of the reply of the House has been found. The reply from the Council was printed in the *Western Sun* on September 3, 1814. It is given at the end of this Journal. *Post,* 827-29.

Saturday morning, [August 20]

The House met pursuant to adjournment.

Mr. Noble from the committee appointed for that purpose reported a memorial to Congress on the subject of extending the time of payment to purchasers of lands, of remitting back interest on money due from the purchacers for the payment of their lands; likewise for the subdivision of quarter sections & to reduce the price of such quarter sections as are of an inferior quality—which memorial was read and ordered to lie on the table.

A message was received from the Governor by Mr. Prather, communicating some information relating to the contingent fund —Also a letter from the Governor of the State of Pensylvania, to the Governor of this Territory.

Which communications were ordered to lie on the table.—

Mr. Floyd, the Treasurer of the Territory, agreeably to a resolution of this House, communicated to the House a statement of the Treasury, which was referred to a select committee, consisting of Messrs Noble, Ferris & Smith.—

On motion of Mr. Noble, The House according to order resolved itself into a committee of the whole on the bill relating to local affairs,[15] and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Polke reported, that the committee had,[*] according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

A motion was made by Mr. Ferris that the said bill be engrossed for a third reading on saturday next, which motion was negatived.

A motion was then made by Mr. Noble that the said bill be engrossed & read a third time now; & the question being taken, it was decided in the affirmative—Whereupon the said bill was engrossed, read a third time & passed. Ordered that the Title be "An Act concerning local affairs in certain cases."

15 There is no record of the introduction or first and second reading of this bill in the Journal. The nature of the bill is not revealed. See *post,* 777, 795, 798, 806.

A message from the Legislative council by Mr. Sullivan their Secretary—Mr. Speaker, The Legislative council have passed a bill repealing certain laws & parts of laws prohibiting nonresident attornies & councellors at Law, from practising law in this Territory; in which they desire the concurrence of this House.

Mr. Noble laid before the House the petition of John Francis Dufour[16] & others praying the formation of a new county out of the counties of Jefferson & Dearborne, which petition was read & referred to a select committee consisting of Messrs Noble, Clarke and Boone, with leave to report by bill or otherwise.

Mr. Noble laid before the House the petition of John Francis Dufour & others on the subject of a library company, which was referred to a select committee[*] consisting of Messrs Pennington, Brown & Po[l]ke with leave to report by bill or otherwise.

The bill from the Legislative council on the subject of non resident attornies was read the first & second times Ordered that the said bill be referred to a committee of the whole House, & made the order of the day for tuesday next.

Mr. Noble from the committee appointed for that purpose reported a Bill for the more speedy recovery of debts to the amount of [MS. blank] dollars, which bill was read the first time, Ordered that said bill be read a second time on monday next.

Mr. Browne having obtained leave introduced a joint resolution requiring the several listers within this Territory to take in the number of free inhabitants for the year 1815 & afterwards when thought necessary—which resolution was read the first & second times, & ordered to be engrossed for a third reading on monday next.

Mr. Brown from the committee on enrolled bills, reported, that the committee had examined an enrolled bill adjourning the General Court, & had found the same to be truly enrolled: When The Speaker signed the said bill,

Ordered that the Clerk do acquaint the L. C. therewith.

The House adjourned 'till monday morning [*]

16 Born in Switzerland in 1783, son of John James Dufour, founder of the Swiss settlement. See Perret Dufour, *The Swiss Settlement of Switzerland County Indiana* (*Indiana Historical Collections,* vol. 13, Indianapolis, 1925), index.

Monday morning [August 22].

The House met pursuant to adjournment.

Mr. Ferris from the committee appointed for the purpose reported a bill appointing a Lister for Clarke County, which was read the first and second times, & referred to a committee of the whole House & made the order of the day for to morrow.

Mr. Ferris from the committee appointed for the purpose reported by bill to regulate public roads & highways, which was read the first time, & ordered to be read a second time to morrow.

Mr. Noble laid before the House the petition of John James & others on the subject of a new county from the counties of Jefferson & Dearborne prayed for by John Francis Dufort [Dufour] & others, which petition was read & referred to the same committee to whom was referred the petition of the said Dufour & others.

Mr. Brown laid before the House the petition of Col. George Hunt & others on the subject of the payment of a militia company, which was read & referred to the same committee, to whom was referred that part of the Governor's communication relating to military affairs.[17]—

Mr. Polke laid before the House the petition of Nathaniel Ewing[18] & others praying for the establishment of a bank at Vincennes, which was read & referred to a select committee consisting of Messrs Polke, Ferris and Clarke, with leave to report by bill or otherwise.

On motion of Mr Ferris The bill to amend the act, entitled "An[*] Act for the support of illegitimate children" was read the third time,

Whereupon On motion of Mr. Noble the said bill was recommitted to a committee of the whole house, & made the order of the day for tomorrow.

Mr. Noble from the committee to whom was referred the petition of John Francis Dufour & others praying the formation of a new county, together with the remonstrance against it of John

17 See *post,* 832-33, for the text of this petition.

18 Receiver of the Vincennes Land Office, appointed in 1804. Carter (ed.), *Territorial Papers,* 7:226.

James & others, reported a bill on the subject, which was read the first time,[19] & on motion Ordered that the said bill be read a second time to morrow.—

A message from the Legislative council by Mr. Sullivan their Secretary. Mr. Speaker The Governor has informed the L. C. that he did on saturday last approve & sign the "Act adjourning the General Court."—

The House resolved itself into a committee of the whole on the bill in amendment of the act allowing interest on Territorial warrants & county claims, and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Pennington reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House. On motion of Mr. Pennington, Ordered that the said bill be engrossed & read a third time to morrow.

The joint resolution for the enumeration of the inhabitants of the Indiana Territory, was read a third time & passed. Ordered that the Clerk[*] inform the Legislative council therewith and desire their concurrence.

The bill from the Legislative council on the subject of non resident attornies, was read the third time, & on the question Shall this bill pass? It was decided in the negative.—The yeas & nays being demanded, Those who voted in the Affirmative are Messrs. Brown, Clarke & Polk[e], Those who voted in the negative are Messrs Boone, Ferris, Noble, Pennington, Smith, Hendricks (Speaker). Ordered that the Clerk inform the L. C. therewith.—

Mr. Brown from the committee to whom was referred the petition of John Francis Dufour & others praying the incorporation of a literary society at Vevay,[20] reported a bill for that pur-

[19] This bill provided for the creation of Switzerland County. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 538-42.

[20] The nucleus of the literary society was a collection of books assembled by John Francis Dufour. The library was well patronized until about 1830. Dufour, *Swiss Settlement of Switzerland County Indiana,* 46-47, 370-71. For the names of the trustees, see Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 735-37.

pose, which was read, & on motion Ordered that said bill be read a second time tomorrow.—

Mr. Noble from the committee appointed to draft a memorial to Congress on the subject of payment of all the militia engaged in service in the Territory since the first of January 1813, that have not received pay & any others that were previously to 1813 engaged in service, reported a memorial for that purpose, which was read & concurred in by the House.

The House adj[ourne]d 'till this afternoon 3 O'clock.[*]

Monday afternoon.

The House met pursuant to adjournment.

Mr. Polk[e] from the committee to whom was referred the petition of Nathaniel Ewing & others praying the establishment of a Bank at Vincennes, reported a bill on the subject, which was read, & on motion Ordered that said bill be read a second time to morrow.

On motion of Mr. Noble Ordered that a select committee be appointed to examine the Treasurer's books & report thereon to this House. Whereupon Messrs Noble, Ferris & Smith were appointed that committee.

The House adjd. till to morrow morning.

Tuesday morning [August 23].

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill appointing a Lister in Clark County, and after some time spent therein, Mr. Speaker resumed the chair, & Mr. Ferris reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House—On motion Ordered that the said bill be engrossed & read a third time to morrow.—[*]

The bill for the formation of a new county from the counties of Dearborn & Jefferson was read the second time & referred to a committee of the whole & made the order of the day for thursday next.

The bill establishing a literary society at Vevay was read the second time; & referred to a committee of the whole House, & made the order of the day for wednesday next.

The bill establishing a Bank at Vincennes was read the second time; & referred to a committee of the whole House, & made the order of the day for thursday next.

The bill regulating public roads & highways was read a second time; & referred to a committee of the whole for friday next.

Mr. Brown having obtained leave introduced a bill respecting surveyors, which was read the first time; & on motion Ordered that said bill be referred to a committee of the whole House & made the order of the day for friday next.

The House resolved itself into a committee of the whole on the bill relating to the support of illegitimate children, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Clarke reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed[*] in at the Clerks table, where they were again read & concurred in by the House. The said bill, so amended, was then read a third time & passed.

Ordered that the Title be "An Act to amend the act entitled an act for the support of illegitimate children."

Ordered that the Clerk inform the L. C. therewith, & desire their concurrence.—

The Bill on the subject of small causes was taken up & read a second time,[21] When Mr. Noble moved to amend the bill under consideration by striking it out from the enacting clause, and inserting in lieu thereof a number of sections which were read & concurred in by the House.

On motion Ordered that the said bill, so amended be committed to a committee of the whole House, & made the order of the day for thursday next.—

Mr. Brown having obtained leave, introduced a bill for the benefit of the keepers of ferries, which was read the first & second times, & referred to a committee of the whole House, & made the order of the day for monday next.

[21] No record of the first reading appears in the Journal.

Mr. Clarke introduced a bill for the regulation of the town of Salem, which was read the first & second times, & on motion Ordered that the said bill be engrossed & read a third time to morrow.—

The bill in amendment of the several acts allowing interest on Territorial warrants and [*] county claims was taken up and read the third time,

On the question, "Shall this bill pass"? It was decided in the negative. The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Noble, Hendricks (Speaker) Those who voted in the negative are Messrs Boone, Clarke, Ferris, Pennington, Po[l]ke, Smith.—

The House adjourned 'till to morrow morning.

Wednesday morning. [August 24]

The House met pursuant to adjournment.

Mr. Ferris from the committee to whom was referred the bill incorporating a company to build a bridge over Tanner's Creek near Lawrenceburgh, was read the third time & recommitted to a committee of the whole House & made the order of the day for thursday.—

Mr. Boone, having obtained leave, introduced a bill for the remission of fines of certain militia men of the 10th Regiment of Indiana Territorial militia, & for other purposes, which bill was read the first time & on motion Ordered that the said bill be read a second time on thursday next.[22]

On motion of Mr. Noble The engrossed bill for the appointment of a Lister for Clarke County was read the third time, & recommitted to a committee of the whole House, & made the order of this day. Whereupon the House[*] resolved itself into a committee of the whole on the said bill, & after some time spent therein Mr. Speaker resumed the chair, & Mr. Boone reported, that the committee had, according to order, had the said bill under consideration & made an amendment to the same, which

22 This bill passed the House (*post,* 794), but no report of the action of the Council is given. The Tenth Regiment was made up of Posey County men.

he handed in at the Clerks table, where it was again read & concurred in by the House, The question was then taken, Shall this bill pass? It was decided in the affirmative.—

Ordered that the title be "An Act for the appointment of a Lister in Clarke County."

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence therein.—

Mr. Ferris from the committee appointed to examine the law regulating elections, reported a bill on the subject, which was read the first time, & on motion Ordered that the said bill be read a second time on friday next.—

The House resolved itself into a committee of the whole, on the bill for the incorporation of the Vevay literary society & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Smith reported, that the committee had, according to order had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.

On motion of Mr. Noble Ordered that the said bill be engrossed & read a third time to morrow.[*]

Mr. Noble laid before the House the petition of Christopher Harrison & others, praying the incorporation of the town of Madison, which was read & referred to a select committee consisting of Messrs Noble & Browne, with leave to report by bill or otherwise.

Mr. Noble laid before the House the peti[ti]on of Elisha Golay & others praying the incorporation of a company for the establishment of a seminary at Vevay, which was read & referred to a select committee consisting of Messrs Clarke, Pennington & Boone, with leave to report by bill or otherwise.[23]—

On motion of Mr. Ferris, Ordered that a committee be appointed to draught resolutions expressive of the high sense, the Legislature of Indiana entertain of the brave Majr. General Brown, and his companions in arms, who have so nobly sustained the character of Americans in several combats with Leiut. Genl.

[23] A bill incorporating a company to establish the Vevay seminary passed the House, but apparently failed in the Council.

Drummond & the British forces under his command on the Niagara frontiers. Whereupon Messrs Ferris, Noble and Clarke were appointed that committee.

On motion of Mr. Noble the following joint resolution was submitted to the House, Resolved by the Legislative council & House of Representatives, & it is hereby resolved by the authority of the same Whereas some of the Associate Judges in several counties within this Territory commissioned under the authority of the Law reorganizing courts of Justice passed at the last session of the Legislature of the Indiana Territory have refused to hold the courts in[*] their counties & carry the law into execution to the manifest injustice of the citizens of those counties, Therefore resolved that the Governor be desired not to appoint the said Judges or either of them to the office of Judge under the Judiciary system that may hereafter be established, & that a joint committee be appointed to wait on the Governor & deliver to him a copy of this resolution.[24] Which was read

& On motion Ordered that said resolution be read a second time to morrow.

Mr. Pennington laid before the House the petition of Sally Davidson praying a divorce, which was read & referred to a select committee consisting of Messrs Ferris, Po[l]ke & Smith, with leave to report by bill or otherwise.—

A message from the Legislative council by Mr. Sullivan their Secretary—Mr. Speaker the L. C. have passed a bill establishing circuit courts, in which they desire the concurrence of this House.—

The said bill from the L. C. was taken up & read the first time, & on motion Ordered that the said bill be read a second time to morrow.

The House adjourned 'till to morrow morning.[*]

Thursday morning [August 25]

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill for the more speedy recovery of debts, & after some time

[24] See *ante,* 617n-18n.

spent therein, Mr. Speaker resumed the chair and Mr. Ferris reported, that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read

A message from the Legislative council by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have passed a memorial to Congress praying relief for Samuel Littell formerly of the United States Rangers, in which they desire the concurrence of the H. R.[25]— They have concurred in the joint resolution for the enumeration of the Inhabitants of the Territory with an amendment in which they desire the concurrence of this House. They have rejected the bill from this House on the subject of the support of illegitimate children;— They have also rejected the bill from this House relating to local affairs.[26]—

The amendments made in committee of the whole House to the bill for the more speedy recovery of debts by amending the act on the subject of small causes, being read, were concurred in by the House so far as relates to the first four sections of the bill, & the amendment made to said bill in the committee of the whole repealing the third section[*] of the act, entitled an act to prevent malicious prosecutions approved December 21st 1813 was concurred in by the House—The other amendments were rejected by the House.

Mr. Noble moved to amend the bill under consideration by adding a 5th section as follows—Sec. 5th. And be it further enacted that the court authorized by law to hear & determine upon appeals taken from Justices of the peace in this Territory, shall at the trial receive & permit the plaintiff & defendant to exercise the

[25] Littell was wounded on November 22, 1812, near the Prophet's Town. He was a member of Parmenas Beckes' company of rangers attached to a detachment of Gen. Samuel Hopkins' force. The detachment fell into an ambuscade and was forced to retreat in great disorder. Dillon, *History of Indiana,* 502-3, 504-5. The text of the memorial is given in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 803-4. No action was taken by Congress on the memorial.

[26] A second bill relating to local affairs passed the House during this session but no mention of its reception in the Council is made in this Journal. *Post,* 795, 798, 806.

provisions contained in the first section of the act as entitled an act supplementary to the several acts for the trial of small causes. & the question being taken That the bill be so amended.—It passed in the affirmative.—

Mr. Noble moved to amend the bill under consideration by adding to the 5th section these words, Viz "Approved 31st December 1813" & it was amended accordingly.

On motion of Mr. Noble The bill under consideration was amended by adding the following section—Sec. 7—And be it enacted further that any fines collected by Justices of the peace for offences against any of the penal laws of this Territory, The Justice or Justices shall pay the same to the Judges of the court, hereafter to be established in the proper county at the first court after the fine is thus collected, under a penalty not exceeding fifty dollars to be recovered by Indictment in any court having jurisdiction.

Mr. Clarke moved to amend the bill under consideration by adding a section as follows, Viz; And be it further enacted that all accounts[*] or sums of money within a magistrates jurisdiction may be by the plaintiff demanded of the defendant before suit brought in the presence of one or more credible witnesses; & should the defendant deny the same on such demand, the plaintiff may then institute his action for the same in any superior court of record—

On the question, Shall the bill be so amended? It was decided in the negative.—

Mr. Polke moved to amend the bill under consideration by adding an 8th section as follows, Viz, Sec. 8—And be it further enacted that the first section of an act supplementary to the several acts for the trial of small causes approved on the 31st of December 1813, be and the same is hereby repealed— On the question, Shall the bill be so amended? It was decided in the negative.— The said bill, amended as aforesaid, was then Ordered to be engrossed and read a third time on saturday next.

The Bill, establishing circuit courts, was read the second time; & on motion Ordered that the said Bill be read a third time to morrow.—

The House resolved itself into a committee of the whole on the bill to incorporate the subscribers to the bank of Vincennes, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington reported[*] that the committee had, according to orders, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.— Ordered, That the said bill be read a third time to morrow.

Mr. Browne, having obtained leave, introduced a bill to incorporate the Farmer's & Mechanicks bank of Indiana, which was read the first time; & on motion Ordered that the said bill be read a second time to morrow.—

The House resolved itself into a committee of the whole on the bill for the formation of a new county out of the counties of Dearborne & Jefferson, & after some time spent therein Mr. Speaker resumed the chair & Mr. Clarke reported, that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table where, they were again read & concurred in by the House.

Ordered that the said bill be engrossed and read a third time on monday next.

Mr. Smith from the committee to whom was referred the petition of Sally Davidson, reported that the prayer of the petitioner ought not to be granted.

Mr. Pennington laid before the House the petition of Peter Davidson praying releif in certain[*] cases, which was read & referred to a select committee, consisting of Messrs Pennington & Clarke—with leave to report by bill or otherwise.—

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker The L. C. have passed the bill from this House appointing a Lister for Clarke County, with amendments, in which they desire the concurrence of the H.R.

The said amendments were read, & those made to the third section of said bill were concurred in, but those made to the fifth section were rejected by the House;

Whereupon on motion of Mr. Brown a committee of con-

ferrence consisting of Messrs Browne, Noble & Clarke, were appointed on the part of this House to confer on the said amendments, with such committee as may be appointed for that purpose on the part of the L. C.

Ordered that the Clerk inform the L. C. therewith.—

Mr. Clarke, having obtained leave, introduced a bill extending the bounds of Washington County; which was read the first & second times, &

On motion Ordered that the said bill be read a third time on monday next.—[*]

Friday morning [August 26]

The House met pursuant to adjournment.

On motion of Mr. Noble The Bill establishing circuit courts was taken up, when On motion of Mr. Noble The bill under consideration was amended by striking out the words "Eight hundred dollars," & inserting in leiu thereof the words "seven hundred dollars"—The yeas & nays being demanded on the question as to the said amendment—Those who voted in the affirmative are Messrs Boone, Brown, Ferris, Noble, Pennington, Smith. Those who voted in the negative are Messrs Clarke & Polke.—

Mr. Brown moved to amend the bill under consideration by striking out the words "seven hundred dollars," & inserting in leiu thereof the words "six hundred dollars," which motion was negatived.—

Mr. Polke moved to amend the bill under consideration, by striking out that part of the bill dividing the Territory into three districts & providing for the appointment of three circuit Judges; and inserting in leiu thereof a provision dividing the Territory into two districts & providing for the appointment of Two Circuit Judges; which motion was negatived.

The said bill, amended as aforesaid, was then read a third time & on the question, Shall this bill pass?—It was decided in the affirmative. The yeas & nays being demanded, Those who voted in the affirmative are Messrs Boone, Brown, Ferris, Noble, Pennington Po[l]ke Smith—Those voting in the negative are Messrs Clarke, Hendricks (Speaker) [*]

On motion The bill incorporating the subscribers to the Bank of Vincennes was taken up, when upon motion of Mr. Noble, The said bill was amended by adding another section as follows—

Be it further enacted That the aforesaid corporation shall not be dissolved previous to the expiration of their charter, untill all their debts, contracts, notes, Bills of exchange & undertakings in their corporate capacity, shall be finally and faithfully settled—Provided also That after the expiration of their charter, they shall not transact business according to the true intent and meaning of this act, further than to settle and close their contracts as above provided.

The said bill, so amended, was read a third time,

On the question, Shall this bill pass?—It was decided in the affirmative.—The yeas & nays being demanded—Those who voted in the affirmative are Messrs Boone, Noble, Pennington, Polke, Smith—Hendricks (Speaker) Those who voted in the negative are Messrs Browne, Clarke, Ferris.—

Ordered That the Title be An Act to incorporate the subscribers to the Bank of Vincennes—

Ordered That the Clerk carry the said bill to the Legislative council, & desire their concurrence.

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker—The L. C. have passed a bill for the releif of such persons who have suffered, by the burning of the Records at Vincennes in the year 1814 —[*] in which they desire the concurrence of this House.[27] The L. C. have passed a bill repealing a joint resolution respecting the residence of the Governor and Secretary, and for fixing the annual meeting of the Legislature.

On motion of Mr. Polke The bill from the L. C. first above mentioned, was taken up & read the first time, &

Ordered to be read a second time on tuesday next.—On motion of Mr. Noble The bill from the L. C. last mentioned was taken up & read the first time, & on the question Shall the bill be read a second time?—It was decided in the negative.—

[27] The home and office of John D. Hay, Knox County recorder, burned on January 21, 1814, destroying all the county records deposited in his keeping. Vincennes *Western Sun,* January 29, 1814.

The House resolved itself into a committee of the whole on the bill for the erection of a bridge over Tanners Creek in the vicinity of Lawrenceburgh, & after some time spent therein, Mr. Speaker resumed the chair, and Mr. Noble reported that the committee had, according to order, had the said bill under consideration, & made some amendments to the same, which he handed in at the Clerks Table where they were again read & concurred in by the House—The said bill, so amended, was read the third time,

On the question, Shall this bill pass? It was decided in the affirmative.

Ordered That the Title be "An Act authorizing the erection of a bridge over Tanner's Creek in the vicinity of Lawrenceburgh."

Ordered That the Clerk carry the said bill to the Legislative council, & desire their concurrence therein.—

A message from the L. C. by Mr. Sullivan their Secretary, Mr. President, The L. C. have concurred[*] in the amendments made by this House to the act establishing circuit courts; & have appointed Mr. Robb & Mr. Johnson a committee of conferrence, to confer with the committee on the part of the H. R. on the amendments made by the L. C. to the act appointing a Lister for Clarke County disagreed to by this House.—

On motion of Mr. Browne The memorial from the L. C. to Congress praying releif for Samuel Littell was read, and concurred in by the House—Ordered that the Clerk inform the L. C. therewith.—

On motion of Mr. Noble, the bill from the L. C. providing a summary mode of collecting debts in certain cases was taken up and read the first time. Ordered That the said bill be read a second time to morrow.

Mr. Pennington from the committee appointed to examine the law on the subject of marriages, reported a bill regulating marriages, which was read the first time, Ordered That the said bill be read a second time on monday next.—

The House adjourned 'till this afternoon Three Oclock.—

Friday afternoon,

The House met pursuant to adjournment.

The bill to incorporate the literary society of Vevay[*] was read the third time and passed.—

Ordered That the Title be "An Act to incorporate the literary society of Vevay."

Ordered That the Clerk inform the L. C. therewith, & desire their concurrence therein.

The joint resolution relating to the appointment of the former Associate Judges in the different counties, was read, & on the question, Will the House concur in this resolution? It was decided in the affirmative The yeas and nays being demanded, Those who voted in the affirmative are Messrs Boone, Ferris, Noble, Pennington, Hendricks (Speaker)— Those who voted in the negative are Messrs Browne, Clark, Polke & Smith.—

The bill to incorporate the farmer's & mechanicks bank of Indiana, was read the second time & referred to a committee of the whole House & made the order of the day for to morrow.—

Mr. Pennington from the committee to whom was referred the petition of Peter Davidson praying a divorce, reported a bill on the subject, which was read; & Ordered to be read a second time on Tuesday next.—

The bill regulating Elections was read the second time and referred to a committee of the whole House & made the order of the day for friday next.[*]

Saturday morning [August 27]

The House met pursuant to adjournment.

Mr. Browne from the committee of conferrence on the subject of the amendments to the bill appointing a Lister for Clarke County, reported That the committee of conferrence on the part of each house had receded in part from their amendments, in which report the House concurred.—

Mr. Brown from the committee of enrolled bills reported that the committee had examined an enrolled joint resolution for the enumeration of the inhabitants of the Territory, When The Speaker signed the said resolution;

Ordered That the Clerk inform the L. C. therewith.

The House resolved itself into a committee of the whole on the bill regulating public roads and highways, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Smith reported That the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.

Ordered, That the said bill, with amendments, be engrossed for a third reading on monday.

A message from the Legislative council by Mr. Sullivan their Secretary—Mr. Speaker The President of L. C. has signed the joint resolution for the enumeration of the inhabitants of the Territory.[*]

Mr. Brown from the committee of enrolled bills reported that the committee had examined an enrolled bill establishing circuit courts, & had found the said bill truly enrolled, When the Speaker signed the said bill—

Ordered, That the Clerk inform the L. C. therewith.

Mr. Noble, having obtained leave, introduced a bill transferring the papers & business depending in the former circuit courts to the circuit courts last established, which was read the first & second times, & Ordered to be read a third time on monday next.—

Mr. Ferris, having obtained leave, introduced a bill establishing a court of appeals, which was read the first time; & on motion

Ordered that the said bill be read a second time on tuesday, next.

Mr. Boone, having obtained leave, introduced a bill removing the seat of Justice in Warrick County, which was read the first time & on motion the said bill was read the second time,

Ordered That the said bill be referred to a committee of the whole for wednesday.

Mr. Clarke from the committee to whom was referred the petition of Elisha Golay & others reported by bill; which was read the first and second times, & committed to a committee of the whole house & made the order of the day for wednesday next.[*]

The bill on the subject of small causes was read the third time & passed, Ordered that the Title be an act to amend the act [The title of the act is not filled in, though space was left for it in the record]

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker, The President of the L. C. has signed the enrolled bill establishing circuit courts—The L. C. have concurred in the report of the committee of conferrence; have disagreed to the joint resolution concerning the Associate Judges—Have passed the act from this House to incorporate the literary society of Vevay with amendments in which they desire the concurrence of this house.

The House resolved itself into a committee of the whole on the bill to incorporate the town of Madison,[28] & after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington reported, That the committee had according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table where they were again read & concurred in by the House.

Ordered that the said bill be engrossed & read a third time on monday next.

The House adjourned 'till monday morning.[*]

Monday morning [August 29].

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill respecting surveyors, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported That the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House. On motion of Mr. Noble, The said bill was

[28] This is the first and only mention of this bill in the Journal. A petition on the subject had been referred to a select committee on August 24. *Ante,* 775. A bill for the regulation of the towns of Madison and Vevay passed both houses, but apparently did not receive the Governor's approval. *Post,* 794, 801, 816, 818, 822, 823.

amended by adding another section as follows Sec. 4 And be it enacted that all laws or parts of laws coming within the purvieu of this law be & the same are hereby repealed.—

On motion Ordered that the said bill be engrossed and read a third time on Wednesday next.

Mr. Noble from the committee on military affairs reported a memorial to Congress on the subject of the payment of the militia of the Territory who have performed actual service, & have not received compensation therefor, which was read, & on motion of Mr. Ferris Ordered to lie on the table.[29]—

On motion of Mr. Noble, The engrossed bill transferring the business from the former circuit courts, to those last established was recommitted to a committee of the whole House & made the order of this day—[*] Whereupon the House resolved itself into a committee of the whole on the said bill, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Smith reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.—The said bill was then read a third time & passed.

Ordered, That the Title be "An Act transferring the business from the [The rest of the title is omitted]

Ordered That the Clerk carry the said bill to the L. C. & desire their concurrence therein.—

The bill for the formation of a new county out of the counties of Dearborne & Jefferson was taken up & upon motion

The said bill was recommitted to a committee of the whole House and made the order of this day—Whereupon the House resolved itself into a committee of the whole on the said bill & after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported, That the committee had, according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House—

The said bill was then read a third time and passed; Ordered

[29] See *ante*, 765n.

that the title be "An act for the formation of a new county out of the counties of Dearborn & Jefferson." — Ord[ered] that Clk inform L. C.—[*]

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have passed the memorial to Congress, which originated in this house, on the subject of the purchacers of land, the division of quarter sections & for other purposes, with amendments, in which they desire the concurrence of this House.

On motion of Mr. Noble, The amendments made by the L. C. to the bill establishing the literary society at Vevay, were concurred in by this House—

Ordered that the Clerk inform the L. C. therewith.

On motion of Mr. Noble, Resolved that the House reconsider the vote on the bill for the formation of a new county out of the [The rest of the title is omitted][30] Whereupon the said bill was referred to a committee of the whole House, & made the order of this day.

The House adjourned 'till 3 oclock this afternoon.—

Monday afternoon,

The House met pursuant to adjournment.

On motion of Mr. Noble The amendments made by the Legislative council to the memorial of the Legislature to Congress for extending the time of payment of lands, & for other purposes were read & concurred in by the House.

Ordered that the Clerk inform the Legislative council therewith.—[*]

On motion of Mr. Brown Ordered that the Clerk make out three copies of the said memorial to be disposed of by the Legislature as they may think proper.—

The Bill extending the bounds of Washington County was taken up, read the third time & passed—

[30] The reference is apparently to the bill to form a new county out of Dearborn and Jefferson counties, but consideration of the bill in committee of the whole is not recorded. The next reference to it is on its passage by the Legislative Council.

Ordered, That the Title be "An Act extending the bounds of the county of Washington."—

Ordered That the Clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Noble, having obtained leave, introduced a bill for the releif of Nancy Whitford, which was read the first & second times, & referred to a committee of the whole House and made the order of the day for to morrow.—

The House, according to order resolved itself into a committee of the whole on the bill for removing the seat of Justice of Warrick County, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Ferris reported That the committee had, according to order, had the said bill under consideration & had made some progress therein, & desired him to ask leave to sit again.—Whereupon leave was granted the committee to sit again on the said bill.

The engrossed bill respecting public roads & high ways was taken up and read the third[*] time and passed—Ordered that the Title be "An Act to amend the several acts respecting public roads & highways."—[31]

Ordered that the Clerk inform the L. C. therewith & desire their concurrence.—

The House, according to order, resolved itself into a committee of the whole on the bill relating to the keepers of Ferries & after some time spent therein, Mr. Speaker resumed the chair & Mr. Ferris reported, That the committee had according to order, had the said bill under consideration & made no amendment thereto; in which report the House concurred—The bill was then read the third time, & on the question Shall this bill pass? It was decided unanimously in the negative.

The bill for the regulation of the town of Salem was taken up and read the third time, On the question Shall this bill pass? It was decided in the affirmative.—

[31] No further mention of this bill is made in the Journal. It was apparently supplanted by the one originating in the Legislative Council and passed by the House. *Post,* 821; Ewbank and Riker (eds.) *Laws, 1809-16,* pp. 566-67.

Ordered That the Title be "An Act for the regulation of the town of Salem in Washington County."

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—[*]

Tuesday morning [August 30]

The House met pursuant to adjournment.

The Bill establishing a court of appeals was taken up and read a second time & upon motion

The House resolved itself into a committee of the whole on the said bill and after some time spent therein Mr. Speaker resumed the chair & Mr. Ferris reported That the committee had, according to order, had the said bill under consideration & made no amendments thereto, in which report of the committee of the whole, the House concurred, Whereupon

Ordered that the said bill be engrossed & read a third time to morrow.

The House, according to order, resolved itself into a committee of the whole on the bill for the removal of the seat of Justice of Warrick County, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Brown reported, That the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read and concurred in by the House.—Ordered That the said bill be engrossed & read a third time to morrow.

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker the L. C. has been this day informed by the Governor that he did on the 29th inst approve & sign the bill establishing circuit courts.—[*]

A message from the Governor by Mr. Prather, his private Secretary — Mr. Speaker The Governor did on the 29th inst approve & sign a joint resolution for the enumeration of the inhabitants of the Indiana Territory.

The bill from the L. C. providing a summary mode for collecting debts was read a second time, & upon motion Ordered that it be read a third time to morrow.

The bill for the regulation of the practise of physic was taken up & read the second time, & upon motion Ordered That the said bill be referred to a committee of the whole House and made the order of the day for thursday next.

The House resolved itself into a committee of the whole on the bill for the releif of Nancy Whitford, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Boone reported, that the committee had, according to order, had the said bill under consideration, & made no amendments thereto; in which report the House concurred—The said bill was then read the third time—On the question Shall this bill pass? It was decided in the affirmative—The yeas & nays being demanded— Those who voted in the affirmative are Messrs Ferris, Noble, Pennington, Smith, Hendricks (Speaker) Those who voted in the negative are Messrs Brown, Boone, Clarke, Polke.

Ordered that the Title be "An[*] Act for the releif of Nancy Whitford."—Ordered That the Clerk carry the said bill to the L. C. & desire their concurrence.

The House resolved itself into a committee of the whole on the bill to incorporate the farmer's & mechanics bank of Indiana & after some time spent therein Mr. Speaker resumed the chair, & Mr. Smith reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

Ordered that the title be an act to incorporate the farmer's & mechanics bank of Indiana.

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—

A message from the L. C. by Mr. Sullivan their secretary, Mr. Speaker the L. C. have passed the bill from this House transferring the business from the former circuit courts, to those last established, with amendments, in which they desire the concurrence of this House.—The amendments were then read & concurred in, except those made to the sixth section of the bill, which were rejected & a committee of conferrence appointed to act with such committee as may be appointed on the part of L. C.

to confer on the subject of said amendments & report thereon.— Whereupon Messrs Noble & Clarke were appointed that committee.[*]

The House resolved itself into a committee of the whole on the bill for the remission of certain militia fines, & after some time spent therein, Mr. Speaker resumed the chair and Mr. Polke reported, that the committee had, according to order, had the said bill under consideration & made some progress therein, but not having time to go through the same had desired him to ask leave to sit again—Whereupon leave was granted the committee of the whole, to sit again on said bill.—

A message from the L. C. by Mr. Sullivan their Secretary — Mr. Speaker, the L. C. have passed a joint resolution appointing a committee to revise the laws on the subject of small causes.

On motion of Mr. Pennington, The House resolved itself into a committee of the whole on the bill regulating marriages, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Smith reported, that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House. Whereupon the said bill was ordered to be engrossed and read a third time on thursday next.

A message from the L. C. by Mr. Sullivan their secretary— Mr. Speaker the L. C. have appointed Mr. Johnson a committee of conferrence to confer[*] with the committee on the part of H.R. on the amendments to the bill transferring the business from the former circuit courts, to those last established.

On motion of Mr. Polke, The bill from the L. C. for the releif of such persons who have suffered in consequence of the Records being lately burnt at Vincennes, was read the second time, & ordered to be read a third time to morrow.

The joint resolution appointing a committee to revise the laws on small causes, from L. C. was read & disagreed to by the House.

Ordered that the Clerk inform the L. C. therewith.—

The House adjourned 'till to morrow morning.

Wednesday morning [August 31]

The house met pursuant to adjournment—

Mr. Brown from the committee of enrolled bills reported [The report is not given]

On motion of Mr Polke The bill from the L. C. for the releif of those sufferers whose papers were destroyed by fire at Vincennes, was read the third time[*] and upon motion

The said bill was referred to a select committee consisting of Messrs Clarke & Noble with leave to report thereon.

On motion of Mr. Ferris The bill establishing a Court of Appeals was taken up, and Mr. Pennington moved to amend the same by adding the following section, "Be it further enacted that all laws and parts of laws authorizing appeals to be taken from the inferior courts of Indiana Territory to the General Court be and they are hereby repealed." Upon the question Shall the bill be so amended? It was decided in the affirmative.—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Clarke, Ferris, Noble, Pennington, Hendricks (Speaker)—Those who voted in the negative are Messrs Boone, Polke, Smith.

The said bill so amended was then read a third time, when Mr. Polke moved to amend the said bill by adding the following section, Be it further enacted that no member of the Legislative council or House of Representatives of the present session shall be elligible to the office of Judge of the Circuit Court, or Court of Appeals, But some objections being made to the above amendment, The Speaker declared the motion of Mr. Polke to be out of order— By common consent however & upon motion of Mr. Polke, the proposed amendment is entered on the journals

The question was then taken, Shall this bill pass?—[*] It was decided in the affirmative— The yeas and nays being demanded, Those who voted in the affirmative are Messrs Brown, Ferris, Noble, Pennington, Hendricks (Speaker) Those who voted in the negative are Messrs Boone, Clark, Polke, Smith—

Ordered that the Title be "An Act establishing a Court of Appeals."

Ordered that the Clerk inform the L. C therewith. —

On motion of Mr. Boone The bill for the removal of the seat of Justice of Warrick County was read the third time and passed—

Ordered that the title be "An Act for the removal of the seat of Justice of Warrick County."

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Smith from the committee to whom was referred that part of the Governor's communication, which relates to military affairs, reported a bill on the subject, which was read the first & second times & referred to a committee of the whole House & made the order of the day, for saturday next.

The House resolved itself into a committee of the whole on the bill regulating the practice of physic, & after some time spent therein, Mr. Speaker resumed the chair and Mr. Smith reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read[*] and concurred in by the House.—[32]

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C have passed the bill from this House, extending the bounds of Washington County, with amendments, in which they desire the concurrence of H. R.— They have passed a bill to incorporate the borough of Vincennes, in which they desire the concurrence of this House.—

The bill from the L. C. providing a summary mode of collecting debts, was taken up & read the third time— On the question, Shall this bill pass? It was decided in the affirmative— The yeas & nays being demanded, Those who voted in the affirmative are Messrs Browne, Ferris, Clarke, Pennington, Noble, Polke— Those who voted in the negative are Messrs Boone, Smith, Hendricks, (Speaker)

Ordered that the Clerk inform the L. C.

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the President of the L. C. has signed the memorial to Congress for the releif of Samuel Littell.[*]

[32] No further action on this bill is recorded.

Wednesday afternoon

The House met pursuant to adjournment.

Mr. Noble from the committee appointed for that purpose reported a bill for the regulation of the towns of Madison and Vevay, which was read the first and second times & referred to a committee of the whole House and made the order of the day for saturday next.

On motion of Mr. Boone The House, according to order, resolved itself into a committee of the whole, on the bill for the remission of certain militia fines, and after some time spent therein, Mr Speaker resumed the chair & Mr. Ferris reported that the committee had, according to order, had the said bill under consideration & made no amendments to the same—in which report the House concurred. The said bill was then read a third time & passed. The yeas & nays being demanded, Those who voted in the affirmative are Messrs Boone, Clarke, Ferris, Noble, Pennington, Smith, Hendricks (Speaker)— Those who voted in the negative are Mess[rs] Brown & Polke.[33]

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker, the L. C. have passed the bill from this House to incorporate a company for the building a bridge over Tanners creek, with amendments in which they desire the concurrence of this House

Mr. Noble, having obtained leave, introduced a bill in amendment of the several laws concerning[*] executions, which was read the first & second times & upon motion Ordered that the said bill be read a third time on saturday next.

Mr. Clarke, having obtained leave, introduced a bill which was read the first & second times & referred to a committee of the whole house, & made the order of the day for saturday next.[34]

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have passed the bill from this House for the removal of the seat of Justice of Warrick County with amend-

[33] No further reference to this bill appears in the Journal. It was apparently rejected by the Council.

[34] The purpose of the bill is not stated. See *post,* 811n.

ments, in which they desire the concurrence of this House—And they were concurred in accordingly.—

On motion of Mr. Polke, The bill from L. C. to incorporate the borough of Vincennes was read the first & second times, & upon motion Ordered that the said bill be read a third time on saturday.

A message from L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have rejected the bill for the regulation of marriages.—

Mr. Pennington, having obtained leave, introduced a bill concerning local affairs in general, which was read the first & second times, & referred to a committee of the whole House[*] and made the order of the day for friday next.

Mr. Speaker laid before the House a communication from the board of Trustees at Jeffersonville, which was referred to a select committee consisting of Messrs Noble & Clarke, with leave to report by bill or otherwise.

On motion Ordered that a committee be appointed on the part of this house, to act with such committee as may be appointed on the part of L. C. to contract for the printing of the laws.

The House adjourned 'till to morrow morning.

Thursday morning 1st September 1814.

The House met pursuant to adjournment.

Mr. Charles Beggs appeared as the Representative from the county of Clarke, produced his credentials, was sworn & took his seat—Whereupon on motion of Mr Noble

Ordered that the credentials of Mr. Beggs be referred to the committee of elections.

A message from L. C. by Mr. Sullivan their Secretary Mr. Speaker the L. C. have been notified by the Governor that he did on the 31st ult approve & sign a memorial to Congress for the releif of Samuel Littell—

A message from the Governor by Mr. Prather his Secretary, Mr Speaker the Governor did on the 31st ult approve & sign triplicate memorials to[*] Congress to have the time for payment of lands extended, & for other purposes—also a bill incorporating the literary society of Vevay—

Ordered that the Clerk inform the L. C. therewith.

On motion of Mr. Ferris Ordered that the Clerk transmit the said memorials to Congress by mail.

On motion of Mr. Ferris, The amendments made by L. C. to the bill to incorporate a company for the building a bridge over Tanner's Creek, were read & concurred in by the House, except those made to the 16th section which were rejected together with the 18th & 19th sections, added to said bill by L. C. Whereupon a committee of conferrence was appointed on the part of this House to confer with the committee on the part of L. C. on the said amendments, & make report thereon.

Ordered that the Clerk inform the L. C. therewith.

Mr. Brown from the committee of enrolled bills reported That the committee had examined an enrolled bill extending the bounds of Washington County—an enrolled bill for the releif of Nancy Whitford—an enrolled bill appointing a Lister for Clarke County—An enrolled bill transferring the business of the former circuit courts into those last established, & had found the same truly enrolled, When

The Speaker signed said bills—[*]

Ordered that the Clerk carry the said bills to the L. C. for the signature of the President thereof.

On motion of Mr. Pennington The House, according to order, resolved itself into a committee of the whole on the bill to dissolve the marriage contract of Peter Davidson with his wife, & after some time spent therein Mr. Speaker resumed the chair & Mr. Clarke reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.

A message from L. C. by Mr. Sullivan their Secretary— Mr. Speaker, the L. C. have appointed Mr. Test a committee of conferrence to act with the committee on the part of this House on the amendments made by L. C. to the bill for the building of a bridge over Tanner's Creek.—They have appointed Mr. Johnson a committee on their part, to act with the committee on the part of this House to contract for the printing of the laws—

Mr. Pennington moved the house to reconsider the vote on the bill to dissolve the marriage contract of Joseph Curtis with his wife, which motion was negatived.

On motion of Mr. Noble The House, according to order, resolved itself into a committee of the whole on the bill to prevent the introduction of Negroes[*] into this Territory,[35] and after some time spent therein Mr. Speaker resumed the chair & Mr. Browne reported, That the committee had according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the Clerks table, where they were again read, & on the question, "Will the House concur in the said report"? It was decided in the negative— The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Noble, Beggs, Pennington— Those who voted in the negative are Messrs Boone, Clarke, Ferris, Polke, Smith, Hendricks (Speaker)

On motion of Mr. Noble The said bill was recommitted to a select committee consisting of Messrs Noble and Pennington

A message from the L C by Mr. Sullivan their Secretary— Mr. Speaker, The President of the L. C. has signed triplicate memorials to Congress for the extention of the time of payment of lands & for other purposes—also the bill to incorporate the literary society of Vevay.[36]

Mr. Speaker laid before the House the memorial of Alexander Buckner, explaining the grounds of the contested election of the Clarke county member, which was read & referred to the committee of elections—[*]

The House adjourned 'till 4 oclock this afternoon.

Thursday afternoon, the House met pursuant to adjournment—

Mr. Brown from the committee of enrolled bills reported, that the committee had examined an enrolled bill for the removal of the seat of Justice of Warrick County—

On motion of Mr. Pennington The select committee to

35 This is the first mention of this bill.

36 The recording of this action here must be an error as the memorials and bill had been reported as having been signed by the Governor earlier in the day. *Ante,* 795.

whom was referred the credentials of Mr. Beggs & the memorial of Mr. Buckner, was discharged from making any report— Whereupon the said documents were referred to a committee of the whole house & made the order of this day.

The House according to order, resolved itself into a committee of [the whole on] the documents of Messrs Buck[n]er & Beggs & after some time spent therein, Mr. Speaker resumed the chair & Mr. Boone reported, that the committee had, according to order, had the said documents under consideration, but not having time to go through the same, desired him to ask leave to sit again, Whereupon leave is granted the committee of the whole House to sit again on the said documents.—

A message from the L. C by Mr. Sullivan their Secretary— Mr. Speaker, The president of L. C has signed the bill from this House for the removal of the seat of Justice of Warrick County. —[*]

Friday morning [September 2]

The House met pursuant to adjournment.

Mr. Noble, having obtained leave, introduced a bill making compensation to the members of the Legislature & for other purposes, which was read the first & second times; & referred to a committee of the whole house & made the order of the day for monday next.

On motion of Mr. Pennington The House, according to order, resolved itself into a committee of the whole on the bill concerning local affairs in general, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington reported that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again [read] and concurred in by the House. Whereupon on motion

Ordered that the said bill be engrossed & read a third time to morrow.—

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker The L. C. have passed the bill from this House for the regulation of the town of Salem with amendments, in which they desire the concurrence of this house—

A message from the Governor by Mr. Prather his Secretary— Mr. Speaker the Governor did on the first inst. approve and sign An Act to transfer the business of the former Circuit Courts into the[*] Circuit Courts last established, and for other purposes —Also An Act to appoint a Lister for Clark County—Also An Act for the removal of the seat of Justice of Warrick County— Also extending the bounds of the county of Washington—& on this day he has approved & signed An Act for the releif of Nancy Whitford.—

Mr. Noble from the select committee to whom was referred the bill to prevent the introduction of negroes into this Territory, reported by bill; which was read the first & second times, & referred to a committee of the whole house, & made the order of the day for monday next.

On motion of Mr. Noble The House, according to order, resolved itself into a committee of the whole on the bill to regulate elections, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Clarke reported, That the committee had according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House. Whereupon, on motion Ordered, that the said bill be engrossed & read a third time tomorrow.—

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have concurred in the amendments made by the H. R. to the bill providing a summary mode for collecting[*] debts—They have passed the bill from this House establishing a court of Appeals, with amendments, in which they desire the concurrence of this House.—

Saturday morning [September 3]

The House met pursuant to adjournment.

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker, the L. C. have passed a joint resolution to delay the erection of public buildings at the seat of Justice in Gibson County.—

The said joint resolution was read & upon the question Will

the House concur in said resolution? It was decided in the negative.—The yeas & nays being demanded—Those who voted in the affirmative are Messrs Boone & Smith—Those who voted in the negative are Messrs Brown, Beggs, Ferris, Noble, Pennington, Clarke, Polke, Hendricks (Speaker).—

Ordered that the Clerk inform the L. C. therewith.—

The House, according to order, resolved itself into a committee of the whole, on the bill incorporating the Trustees of the seminary of Vevay, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Boone reported, that the committee had, according to order, had the said bill under consideration[*] and made some amendments to the same, which he handed in at the Clerk's table, where they were again read and concurred in by the House—Whereupon the said bill, so amended, was ordered to be engrossed, & read a third time on monday next.—

A message from L. C. by Mr. Sullivan their Secretary, Mr. Speaker, The L. C. have passed a bill for the formation of two new counties out of the counties of Warrick & part of Gibson County, which was read the first and second times, and referred to a committee of the whole House, and made the order of the day for Monday next.[37]

The House according to order resolved itself into a committee of the whole on the bill to amend the Act regulating the militia, and after some time spent therein Mr. Speaker resumed the chair & Mr. Beggs reported that the committee had, according to order, had the said bill under consideration & made some progress therein, but not having time to go through the same, had desired him to ask leave to sit again on the said bill—Whereupon leave is granted to the committee of the whole house to sit again on the said bill.

Mr. Beggs laid before the House the petition of sundry inhabitants of the counties of Harrison and Clarke, praying the formation of a new county, which was refered to a select committee consisting of Messrs Beggs, Pennington & Noble, with leave to report by bill or otherwise.

37 The bill created Perry and Posey counties.

On motion of Mr. Polke The bill incorporating the subscribers[*] to the borough of Vincennes was read the third time and passed.

Ordered that the Clerk inform the L. C. therewith.

On motion of Mr. Noble. The amendments made by L. C to the bill incorporating the town of Salem were read & some were rejected & others concurred in by the House—Whereupo a committee of conferrence were appointed consisting of Mr. Clarke, to confer with the committee on the part of L. C. on the subject of the said amendments.

Message from the L. C. by Mr. Sullivan their Secretary.—Mr. Speaker the L. C. have a bill fixing the time of holding the circuit courts, in which they desire the concurrence of this Hou

The House, according to order, resolved itself into a committee of the whole on the bill incorporating the towns of Madison & Vevay, & after some time spent therein Mr. Speaker resumed the chair and Mr. Pennington reported that the committee had according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.

Mr. Ferris moved to amend the said bill so that the buildings & improvements on the lots of said towns, should be taken into consideration, in taxing the same, & on the question Shall the bill be so amended?[*] It was decided in the negative.—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Boone, Ferris, Smith—Those who voted in the negative are Messrs Brown, Beggs, Clark, Noble, Pennington, Polke, Hendricks (Speaker)—

The question was then put, Shall this bill pass? It was decided in the affirmative.—Ordered That the title be an Act for the regulation of the Towns of Madison and Vevay—

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Noble laid before the House the petition of Henry Batman, which was refered to a select committee consisting of Messrs [The names of the committee members are omitted.]

The House adjourned 'till 3 o'clock this afternoon.

Saturday afternoon

The House met pursuant to adjournment

On motion of Mr. Ferris the bill regulating the duties of Surveyors, was read the third time, On the question, Shall this bill pass? It was decided in the negative.—

Mr. Ferris from the committee to whom was referred the amendments made by L. C. to the bill for the erection of a bridge over Tanner's Creek, reported that this House recede from their objections to the amendments aforesaid, in which report the House concurred.

Ordered that the Clerk inform the L. C. therewith.—[*]

Message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker the L. C. have passed a joint resolution relative to the printing of the laws, in which they desire the concurrence of this House.—

The L. C. have appointed Mr. Robb a committee of conferrence on the amendments to the bill for the regulation of the town of Salem.—

Ordered That A committee be appointed which joint resolution was read & concurred in by the House.

Ordered that the Clerk inform the L. C. therewith.—

On motion of Mr. Noble, The bill concerning executions was taken up, when on motion of Mr. Pennington, the question was taken, Shall this bill be read a third time?— It was decided in the affirmative.— The said bill was then read a third time and On the question Shall this bill pass?— It was decided in the negative.—[*]

Monday morning [September 4]

The House met pursuant to adjournment.

On motion of Mr. Clarke Resolved that the House reconsider the question of concurrence in the amendments made by L. C. to the bill establishing a Court of Appeals.—

Mr. Noble from the committee to whom was referred the bill from the L. C. for the releif of those persons who suffered in consequence of the Records being burned at Vincennes in the year 1814 reported the bill without amendments, & desired the

concurrence of the House; & the House concurred accordingly. The said bill was then read the third time & passed—

Ordered That the Clerk inform the L. C. therewith.—

Mr. Brown moved That the House come to the following resolution, Resolved by the L. C. & H. R. That all the unfinished business now before both houses be attended to, and that no other business shall originate in either house at the present session, but be laid over until the next session of this Legislature, & that this Legislature adjourn on the 10th day of this month.—

Which resolution was rejected by the House.—[*]

The House, according to order, resolved itself into a committee of the whole on the subject of the contested election of the Representative from the county of Clark, & after some time spent therein, Mr. Speaker resumed the chair and Mr. Boone reported That the committee had according to order, had the said subject under consideration & found Mr. Charles Beggs duly entitled to a seat as a member of this House.

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker The L. C. have passed a bill incorporating Trustees of a seminary at Corydon— They have also passed the bill from this House for the formation of a new county out of the counties of Dearborne & Jefferson with amendments—in which they desire the concurrence of this House.—

The report of the committee of the whole house on the subject of the contested election of the Representative from Clarke County was taken into consideration, & the question was put, Will the House concur in said report?— It was decided in the affirmative —The yeas and nays being demanded, Those who voted in the affirmative are Messrs Brown, Boone, Clark, Ferris, Noble, Polke, Smith, Hendricks (Speaker)—

On motion of Mr. Polke Ordered that the Clerk of this House deliver to the Clerk of Clark County the polls & documents concerning the election of a member to this house from that county.[*]

On motion of Mr. Noble, The amendments made by the L. C. to the bill for the formation of a new county out of the counties of Dearborn and Jefferson were concurred in, except

the section fixing the seat of Justice at Vevay which was rejected by the House, and a committee of conferrence was appointed consisting of Mr. Brown to confer with the committee that may be appointed on the part of L. C. for that purpose.—

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the L. C. have passed the bill from this House on the subject of small causes with amendments also they have passed a joint resolution relative to the next meeting of the Legislature—in which the[y] desire the concurrence of this House.

On motion of Mr. Boone The House, according to order, resolved itself into a committee of the whole on the bill for the formation of two new counties, out of the counties of Gibson & Warrick, and after some time spent therein, Mr. Speaker resumed the chair & Mr. Polke reported, That the committee had, according to order, had the said bill under consideration & made some amendments, to the same, which he handed in at the Clerks table where they were again read & concurred in by the House On the question, Shall this bill pass? It was decided in the affirmative—

Ordered that the Clerk inform the L. C. therewith.[*]

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker the L.C. have concurred in the report of the committee of conferrence on the amendments to the bill for the regulation of the town of Salem— They have appointed Mr. Test a committee of conferrence to act with the committee appointed by this House, on the amendments made by L. C. to the bill for the formation of a new county out of the counties of Jefferson and Dearborn—The L. C. have concurred in the amendments made by this House to the bill for the releif of those persons who have been injured in consequence of the recorder's office having been burnt at Vincennes.—

The House adjourned 'till 3 oclock this afternoon.

Monday afternoon.

The House met pursuant to adjournment.

Mr. Clarke from the committee of conferrence on the amendments made by L. C. to the bill for the regulation of the Tow-

of Salem, reported that this House recede in part from their objections & that the L. C. recede in part from their amendments which report was concurred in by the House.

Mr. Pennington laid before the House the remonstrances of sundry inhabitants of Harrison & Clark Counties against the formation of a county out of the above named; which remonstrances were referred to the same committee, to whom was referred the petitions in favor of said new county—

Mr. Brown from the committee, to whom was referred the amendments made by the L. C. to the bill[*] for the formation of a new county out of the counties of Dearborn & Jefferson, reported that the joint committee of conferrence had agreed that the L. C. should recede from their amendments; in which report the House concurred—

Ordered that the Clerk inform the L. C. therewith.—

On motion of Mr. Noble The joint resolution from the L. C. relative to the next meeting of the Legislature, was read and concurred in by the House.—

Ordered that the Clerk inform the L. C. therewith—

On motion of Mr. Noble The amendments made by the L. C. to the bill on the subject of small causes, was read & concurred in by the House, except the fifth section, which was rejected—Whereupon Mr. Noble was appointed a committee of conferrence to confer on the subject of said amendment with such committee as may be appointed for the purpose on the part of the L. C.

Mr. Clarke laid before the House some petitions of sundry inhabitants of Washington County praying for the formation of a new county out of the counties of Harrison & Clark—which petitions were referred to the same committee to whom the other petitions on that subject were referred to.—

On motion of Mr. Noble The bill from the L. C. fixing the times of holding courts, was read the first, second[*] and third times, and passed—Ordered that the Clerk inform the L. C. therewith.—

The House proceeded, according to order, to reconsider their vote on the subject of the amendments made by L. C. to the bill

establishing a court of Appeals— When Mr. Pennington withdrew his motion for concurrence in the said amendments—Upon motion of Mr. Noble, The house took the said amendments into consideration, & some of them were rejected by the House, When upon motion of Mr. Polke

Ordered That the further consideration of the said bill be postponed until the first monday in December 1812.—

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have concurred in the amendment made by this House to the bill for the formation of a new county, out of the counties of Gibson & Warrick.—

The bill on the subject of local affairs, was taken up & read the first, second & third times & passed—Ordered That the Title be "an act concerning local affairs in general."

The bill from the L. C. incorporating the Corydon Seminary was taken up & read the first, second & third times, & passed—

Ordered that the Clerk inform the L. C. therewith.

The engrossed bill incorporating the seminary of Vevay was read the third time and passed— [*] Ordered that the title be "An act [ms. blank]

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence—

A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker The L. C. have passed the bill from this House incorporating the farmers & mechanics bank of Indiana, with amendments, in which they desire the concurrence of this House.

The House adjourned till tomorrow morning

[Tuesday morning, September 5]

Tuesday morning [September 5] the House met pursuant to adjournment. Mr. Pennington laid before the House the following resolution, Resolved by the House of Representatives, The L. C. concurring therein, That no person shall be eligible to the office of presiding Judge unless he shall within [ms. blank] months remove into the district, in which he is appointed.— Which resolution was rejected by the House— The yeas & nays being demanded, Those who voted in the affirmative are Messrs Beggs, Clarke, Pennington, Polk, Smith— Those who voted in

the negative are Messrs Boone, Brown, Ferris, Noble, Hendricks (Speaker)—

Mr. Pennington [from] The committee to whom was referred the petitions for the formation of a new county out of the counties of Harrison and Clark, with the remonstrances against said division reported that the committee have had the same under consideration and are of opinion that the prayer of the petitioners ought not to be granted.— In which report the House concurred.[*]

On motion of Mr. Noble The House, according to order resolved itself into a committee of the whole on the bill allowing compensation to the members & clerks of both Houses of the Legislature.

Mr. Brown from the committee of enrolled bills, reported That the committee had examined an enrolled bill for the regulation of the Town of Salem, in Washington County—an enrolled bill for incorporating the burrough of Vincennes—an enrolled bill incorporating a company for the building [of] a bridge over Tanner's Creek, in the vicinity of Lawrenceburgh—an enrolled bill providing a summary mode for collecting debts in certain cases—a Joint resolution respecting the manner of having the laws printed.—

Mr. Pennington laid before the House the following resolution, Resolved by the House of Representatives, the Legislative council concurring therein, That no person shall be eligible to the office of Presiding Judge under the late law establishing circuit courts, that were members in either branch of the Legislature at the passage of the law establishing circuit courts.— Which resolution was rejected by the House. The yeas & nays being demanded, Those who voted in the affirmative are Messrs Clark & Pennington, Those who voted in the negative are Messrs Brown, Boone, Beggs, Ferris, Noble, Polke, Smith, Hendricks, (Speaker)—

On motion of Mr. Noble The House, according to order, resolved itself into a committee of the whole, on the bill making compensation to the members and[*] officers of both Houses of the Legislature and after some time spent therein, Mr. Speaker resumed the chair and Mr. Beggs reported That the committee

had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House.—The question was then taken, Shall this bill pass?—& decided in the affirmative—Ordered That the Title be "An Act making compensation to the members & officers of the Legislature & for other purposes."—Ordered That the clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Beggs, having obtained leave, introduced a bill supplementary to the act regulating Charlestown, which was read the first & second times, & committed to a committee of the whole house, & made the order of the day for to morrow.—

Mr. Clarke, having obtained leave, introduced a bill for the removal of the seat of Government from Corydon, in the county of Harrison, to Salem in the county of Washington, which was read the first & second times, & referred to a committee of the whole house, & made the order of this day—Whereupon the House, according to order, resolved itself into a committee of the whole on the said bill, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Ferris reported, That the committee had, according to order had the said bill under consideration and made no[*] amendments to the same—& desired the concurrence of the House in said report; And the House concurred accordingly—

Mr. Brown moved to amend the bill under consideration by striking out the words Salem, in the county of Washington, throughout the bill, and insert in lieu thereof the words Madison, in the County of Jefferson, & the question being taken

Shall the bill be so amended? It was decided in the negative —The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Noble, Pennington, Hendricks (Speaker) Those who voted in the negative are Messrs Boone, Beggs, Clark, Ferris, Polk, Smith—The question was then taken

Shall this bill pass? It was decided in the negative.—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Beggs, Clark, Noble, Ferris—Those who voted in the negative are Messrs Boone, Pennington, Polk, Smith, Hendricks, (Speaker).

On motion of Mr. Noble, Resolved that the House reconsider their vote just given on the final passage of the bill for the removal of the seat of Government— Whereupon the further consideration of said bill was postponed untill to morrow.—

On motion of Mr. Noble—The House according to order[*] resolved itself into a committee of the whole on the bill to prevent the introduction of negroes, mullattoes, or persons of color, into this Territory, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Browne reported, That the committee had according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the clerk's table, where they were again read and concurred in by the House. The said bill was then read a third time—on the question

Shall this bill pass? It was decided in the affirmative—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Brown, Beggs, Noble, Pennington, Smith, Hendricks, (Speaker)— Those who voted in the negative are Messrs Boone Clark, Ferris, Polke. Ordered That the title be "An Act to prevent the introduction of negroes, mullattoes, or persons of color into the Indiana Territory"—

Ordered that the clerk carry the said bill to the L. C. & desire their concurrence.

On motion of Mr. Polk, The House proceeded to consider the amendments made by the L. C. to the bill incorporating the subscribers to the bank of Vincennes; some of the amendment were read & concurred in by the House, When the further consideration thereof was postponed until to morrow—

A message from the L. C. by Mr. Sullivan their Secretary[*] Mr. Speaker, The L. C. have passed a joint resolution relative to the printing of the laws of the Legislature, which was read, & concurred in by the House;—Ordered That the clerk inform the L. C. therewith.

Mr. Noble from the committee of conferrence on the subject of the amendments made by the Legislative council to the bill on the subject of small causes, reported that the committee had

agreed that this House recede from their objections to the said amendments— In which report the House concurred.

Ordered that the Clerk inform the L. C. therewith.—

The House adjourned 'till 3 Oclock this afternoon.—

Tuesday afternoon—

The House met pursuant to adjournment—

On motion of Mr. Noble—The memorial from this Legislature to Congress on the subject of the payment of militia was taken up, read the third time & passed.

Ordered That the Clerk carry the said memorial to the L. C. & desire their concurrence.

A message from the Governor by Mr. Prather his private Secretary— Mr. Speaker the Governor did on this day approve & sign an act for the regulation of the town of Salem—also an act for the building of a bridge over Tanners Creek, in the vicinity of Lawrenceburgh.

Mr. Beggs, having obtained leave, introduced a bill for the releif of James McCampbell which was read the first and second times, and referred to[*] a committee of the whole House, and made the order of the day for tomorrow.—

Mr. Noble, having obtained leave, introduced a bill relating to Clerks and official bonds which was read the first and second times, and on motion the said bill was read the third time & passed.—

Ordered That the Title be "An Act concerning Clerks & official bonds."

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Brown from the committee of enrolled bills, reported That the committee had examined an enrolled bill for the formation of Two new Counties out of the Counties of Gibson & Warrick—An enrolled bill for the releif of such persons as have or may hereafter suffer from the burning of the records at Vincennes in the year 1814—also an enrolled bill for the formation of a new county out of the counties of Dearborne & Jefferson.—

Mr. Noble, having obtained leave, introduced a bill concerning public monies, which was read the first and second times, & re-

ferred to a committee of the whole house & made the order of the day for to morrow.

On motion of Mr. Noble The House, according to order, resolved itself into a committee of the whole on the bill providing for the redemption of Town lots, where sold for taxes,[38] and after some time spent therein Mr. Speaker resumed the chair and Mr. Noble reported, that the committee had, according to order, had the said bill under consideration and made[*] no amendments thereto, & desired him to ask the concurrence of the House in said report—And the House concurred therein accordingly.—

On motion of Mr. Noble The House according to order resolved itself into a committee of the whole on the bill regulating the militia, and after some time spent therein Mr. Speaker resumed the chair & Mr. Pennington reported that the committee had, according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the Clerks table, where they were again read & concurred in by the House. Ordered That the said bill be engrossed & read a third time to morrow.

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have passed a bill fixing the times of holding the General court—In which they desire the concurrence of this House.—They have rejected the bills to prevent the introduction of negroes into the Indiana Territory.—They have concurred in the amendment made by this House to the bill for the formation of a new county out of the counties of Dearborn & Jefferson.—They have rejected the bill from this House concerning Clerks & official bonds.—

Mr. Clarke from the committee, to whom was referred the petition of the Trustees of Jeffersonville, reported that in the opinion of the committee the prayer of the petitioners is premature & ought not to be granted at this time.

The house adjourned 'till to morrow morning.[*]

38 This is the only mention of this bill in the Journal unless it is the bill that was introduced the previous Wednesday (*ante,* 794), the purpose of which was not stated. A bill on the same subject was sent to the House by the Legislative Council (*post,* 816), and apparently passed the House though no record of this appears. It was declared enrolled (*post,* 819), and is given in the session laws. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 560.

Wednesday morning [September 6]

The House met pursuant to adjournment.

Mr. Pennington laid before the House the petitions of sundry inhabitants of Harrison & Clarke counties praying an investigation into the conduct of a certain Justice of the peace of Harrison County, which were read & ordered to lie on the table.—

On motion of Mr. Polke The bill in amendment of the law regulating the militia of the Indiana Territory, was read the third time & passed—

Ordered that the title be "An Act in amendment of the law regulating the militia of the Indiana Territory". . . .

Ordered that the clerk carry the said bill to the L. C. & desire their concurrence.

On motion of Mr. Ferris The amendments made by L. C. to the bills for the establishment of banks at Vincennes and Madison were taken into consideration by the House, & some of the amendments to the bill incorporating the Farmer's & mechanicks bank of Indiana were concurred in, When

On motion of Mr. Polke The said bills were ordered to lie on the table.—

Mr. Noble, having obtained leave, introduced a bill making certain specific appropriations, which was read the first and second times & referred to a committee of the whole house, & made the order of the day for to morrow.—

On motion of Mr. Ferris, The House according to order[*] proceeded to consider the amendments made by the L. C. to the bill allowing compensation to the members & officers of both houses of the Legislature, which amendments were read & concurred in by the House.—

Ordered that the Clerk inform the L. C. therewith.—

Mr. Noble from the joint committee appointed to contract for the printing of the laws, reported that the committee had made a contract for the purpose, in which report the House concurred.

A message from the Governor, by Mr. Prather his private Secretary—Mr. Speaker, The Governor has approved & signed an Act for the formation of a new county out of the counties of Dearborn & Jefferson.—

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker, the L. C. have passed the bill from this House allowing compensation to the members and officers of both houses of the Legislature, with amendments, in which they desire the concurrence of this House.—The Governor has informed the L. C. that he did on yesterday approve & sign an act to incorporate the borough of Vincennes—An Act to provide a summary mode of collecting debts in certain cases—a joint resolution respecting the printing of the laws—He has also on this day approved and signed An Act for the releif of such persons as have or may hereafter suffer by the destruction of the Records at Vincennes by fire in the year 1814—also an act for the formation of two new counties out of the counties of Gibson & Warrick.

Ordered that the Clerk inform the Legislative council therewith.—[*]

On motion of Mr. Beggs—The House, according to order, resolved itself into a committee of the whole for the releif of James McCampbell, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Noble reported that the committee had according to order, had the said bill under consideration and made no amendments thereto, & desired the concurrence of the House in said report; and the House concurred accordingly.—

The said bill was then read the third time & on the question, Shall this bill pass?—It was determined in the negative.—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Boone, Beggs, Smith, Hendricks (Speaker)—Those who voted in the negative are Messrs Clarke, Ferris, Noble, Pennington, Polk.—

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker, the L. C. have passed a bill establishing the practice in chancery cases; a resolution requesting the H. R. to send them the report of the Treasurer on the state of the Territory; & the report of the Governor relative to the contingent fund, which were laid before this House at the present Session.—They have passed a bill for the releif of Benjamin V. Beckes, Sheriff of Knox

County—They have concurred in the report of the joint committee, appointed to contract for the printing of the Laws—

On motion of Mr. Ferris—The bill from the L. C. establishing a practice in chancery cases, was read the first & second times & committed to a committee of the whole house & made the order of the day for to morrow.—

The House adjourned 'till 3 oclock this afternoon. [*]

Wednesday afternoon.

The House met pursuant to adjournment.

On motion of Mr. Clark The House resolved itself into a committee of the whole, on the bill regulating the practice in chancery cases, & after some time spent therein, Mr. Speaker resumed the chair, & Mr. Pennington reported, That the committtee had, according to order, had the said bill under consideration & had made no amendments thereto, & desired the concurrence of the House therein—In which report the House concurred—

The question was then taken, Shall this bill pass? It was decided in the affirmative.—The yeas & nays being demanded—Those who voted in the affirmative are Messrs Beggs, Ferris Noble, Pennington, Hendricks, (Speaker)—Those who voted in the negative are Messrs Boone, Clarke, Polke, Smith.—

On motion of Mr. Ferris The bill from the L. C. fixing the time of holding a General Court, & for other purposes, was read the first time, & ordered to be read a second time to morrow.—

On motion of Mr. Noble Ordered that a committee of Enrolled Bills be appointed pro. tem.—Whereupon Mr. Noble was appointed that committee.—

On motion of Mr. Noble—The House, according to order resolved itself into a committee of the whole on the bill concerning public monies, & after[*] some time spent therein, Mr. Speaker resumed the Chair, & Mr. Boone reported, That the committee had, according to order, had the said bill under consideration, but not having time to go through the same, had desired him to ask leave to sit again—Whereupon leave was granted the said committee to sit again on the said bill.—

The House adjourned 'till to morrow morning—

Thursday morning [September 7]

The House met pursuant to adjournment.

Mr. Ferris, having obtained leave, introduced a bill in amendment of the Act appointing a Lister for Clarke County, which was read, when on motion of Mr. Noble The said bill was amended by striking it out from the enacting clause, and inserting a section in leiu thereof,

The said bill, so amended, was read the second & third times & passed—The yeas & nays being demanded upon its final passage —Those who voted in the affirmative are Messrs Boone, Clark Ferris, Noble, Pennington, Polk, Smith, Hendricks, (Speaker)— Mr. Beggs voted in the negative.—

Ordered that the Title be An Act supplementary to the act entitled An Act to appoint a Lister for Clarke County.—

Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.—

Mr. Smith, having obtained leave, introduced a joint resolution, suspending further engagements for public buildings at Princeton, in the county of Gibson[*] which was read, & the question being taken—

Will the House concur in said resolution? It was decided in the negative.—The yeas and nays being demanded, Those who voted in the affirmative are Messrs Boone, Beggs, Polk, Smith, Those who voted in the negative are Messrs Clarke, Ferris, Noble, Pennington, Hendricks (Speaker).—

Mr. Noble from the committee of Enrolled Bills, reported, that the committee had examined an enrolled bill allowing compensation to the members & officers of both houses of the Legislature—also a joint resolution dispensing with the next annual meeting of the Legislature—also a joint resolution relative to the printing of the laws, & had found the same truly enrolled—when the Speaker signed the said bill & resolutions,

Ordered that the Clerk carry the same to the L. C. for the signature of the president.

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have passed the bill from this House amending the act appointing a Lister for Clarke county.—The President

of the L. C. has signed an act allowing compensation to the members & officers of the Legislature—Also a joint resolution dispensing with the next annual meeting of the Legislature—Also a joint resolution relative to the printing of the laws.—The L. C. have passed a memorial to congress concerning the Judges of the General Court, in which they desire the concurrence of this House. —[*][39]

On motion of Mr. Polke, the bill from the L. C. fixing the times & places of holding the General Court, which was read the second time, when on motion of Mr. Noble The House resolved itself into a committee of the whole on the said bill, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Smith reported, that the committee had, according to order, had the said bill under consideration & made some amendments to the same, which he handed in at the Clerk's table where they were again read & concurred in by the House.

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker, the L. C. have passed the bill from this House on the subject of elections, with amendments in which they desire the concurrence of this House.—[40] They have passed an act regulating the practice of the circuit courts last established. in which they desire concurrence.—They have passed an act allowing owners of town lots, to redeem the same when sold for taxes—The bill from this house to incorporate the towns of Madison & Vevay with amendments, in which they desire concurrence.

[39] This memorial sought repeal of the law permitting only one of the judges of the territorial General Court to hold a court, and the passage of a law requiring at least two judges to hold a court and defining more specifically the duties of the General Court. The memorial is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 808-10, and in *Annals of Congress,* 13 Congress, 3 session, 400-1. In response to it, an act was passed by Congress and approved February 24, 1815, "for the regulation of the courts of justice of Indiana," providing that the judges of the General Court should hold two sessions of the court annually at Vincennes, at Corydon, and at Brookville, and stating specific times at which these courts were to sit, and also provided that the court should be composed of at least two judges. It also specifically stated that "no person or persons, acting under the authority and appointment of the said territory" should be associated with the judges of the General Court. It did nothing toward defining the duties of the Court. U. S. *Statutes at Large,* 3:213.

[40] No further action on this measure is recorded.

The House adjourned 'till to morrow morning [this afternoon?].

Thursday afternoon, The House met pursuant to adjourn-[men]t

On motion of Mr. Beggs, the House, according to order, resolved itself into a committee of the whole on the bill supplementary to the act regulating the town of Charlestown, & after some time spent therein Mr. Speaker resumed the chair, & Mr. Polke reported That the committee had, according to order, had[*] the said bill under consideration & made some amendments to the same, which he handed in at the Clerks table, where they were again read, & concurred in by the House.—The said bill was then read the third time & passed.

Ordered that the title be "An Act supplementary to the act regulating the town of Charlestown."

Ordered that the Clerk carry the said bill to the L. C. for their concurrence.

A message from the Governor, by Mr. Prather his private Secretary, "Mr. Speaker The Governor has on this day approved & signed an act allowing compensation to the members & officers of both Houses of the Legislature & for other purposes"—

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have this day passed the bill from this House supplementary to the act regulating the town of Charlestown.—On motion of Mr. Ferris, The bill from L. C. establishing a practice for the circuit courts last established, was read the first, second & third times & passed.

Ordered That the clerk inform L. C. therewith.—

Mr. Pennington laid before the House the petition of Benjamin Boston complaining of the conduct of R. M. Heth, Clerk of Harrison County, & David Craig, a Justice of the peace in said county—

Ordered that said petition be referred to a select committee consisting of Messrs Clark, Ferris & Beggs—with leave to report by bill or otherwise. [*]

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker, the L. C. have passed the bill from this House in amendment of the militia law, with amendments, in which they desire the concurrence of this House.

On motion of Mr. Noble, The bill on the subject of public monies was taken up, & upon motion the House resolved itself into a committee of the whole on the said bill, & after some time spent therein Mr. Speaker resumed the chair and Mr. Clarke reported that the committee had, according to order, had the said said bill under consideration and made some progress therein, but not having time to go through the same, desired him to ask leave to sit again—Whereupon leave was granted the committee of the whole House to sit again on the said bill.—

Mr. Pennington moved that the House go into a further consideration of the bill removing the seat of government from Corydon, in the county of Harrison, to Salem, in the county of Washington—which motion was negatived.—

On motion of Mr. Polke The amendments made by L. C. to the bills incorporating the banks of Madison and Vincennes—were read, & the twentieth section to the Madison bill, and the 9th & 10th sections to the Vincennes bill were rejected; Whereupon a committee of conferrence was appointed consisting of Messrs Noble & Polke, to act with such committee as may be appointed for that purpose by L. C. Ord[ered] That Clk inform L. C. therewith.—[*]

The amendments by L. C. to the bill incorporating the towns of Madison & Vevay were read & rejected by the House; & a committee of conferrence appointed consisting of Mr. Noble, to confer with the committee on the part of L. C. appointed for that purpose.

On motion of Mr. Ferris, The amendments made by L. C. to the bill in amendment of the militia law, were read and concurred in by the House,

Ordered that the Clerk inform L. C. therewith.—

On motion of Mr. Polke The bill from the L. C. for the releif of Benjamin V. Beckes, was read the first, second & third times & passed—[41]

Ordered that the Clerk inform L. C. therewith.—

[41] Beckes, sheriff of Knox County, had deposited with John D. Hay, recorder, some $200 in tax money which was lost in the destruction of Hay's office. See Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 728-29.

On motion of Mr. Beggs, The amendments made by the L. C. to the bill supplementary to the act regulating the town of Charlestown, were read & rejected by the House—Whereupon a committee of conferrence was appointed consisting of Mr. Beggs to confer with the committee that may be appointed by L. C. for that purpose.

Ordered that Clerk inform L. C. therewith.

The House adjourned 'till to morrow morning,

Friday morning [September 8].

The House met pursuant to adjournment

Mr. Noble from the committee of enrolled bills reported That the committee had examined the following[*] Enrolled Bills; Viz: a Bill in amendment of the law on small causes; a bill allowing the owners of Town lots to redeem the same when sold for taxes; a bill appointing a Lister for Clarke County; A bill fixing the time of holding the courts; a bill incorporating the Corydon seminary, & had found the same truly enrolled When, The Speaker signed the said bills

Ordered that the Clerk carry the said bills to the L. C. for the signature of the President thereof.

On motion of Mr. Noble, The House according to order resolved itself into a committee of the whole on the bill making certain specific appropriations, & after some time spent therein Mr. Speaker resumed the chair, and Mr. Clarke reported that the committee had, according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the clerks table, where they were again read, and concurred in by the House.—The said bill was then read a third time and passed.

Ordered that the Title be "An Act making certain specific appropriations."

A message from the L. C. by Mr. Sullivan their Secretary—Mr. Speaker, the President of the L. C. has signed the following enrolled bills, viz; a bill in amendment of the law on the subject of small causes; a bill allowing the owners of Town lots to redeem the same when sold for taxes; a bill appointing a Lister for Clark

County; a bill fixing the times of holding courts; a bill incorporating the Corydon seminary. The L. C. have appointed Mr. Robb a committee[*] of conferrence on the amendments to the bill incorporating the towns of Madison and Vevay, & Messrs Test and Johnson a committee of conferrence on the amendments to the bills establishing banks at Vincennes and Madison to act with the committees appointed for the purpose on the part of the H. R.

On motion of Mr. Clarke Resolved that the House reconsider the vote as to concurrence in the amendments made in committee of the whole House to the bill fixing the times & places of holding the general court, and that the said amendments be again taken into consideration by the House—Whereupon the said amendments were again read & concurred in.—

Mr. Polke moved to amend the bill under consideration, by striking out that part thereof making it necessary for the Genl. Court to sit in every county, and inserting in leiu thereof such words as would require the said court to sit in each district, & the question being taken

"Shall the Bill be so amended"? It was lost—The yeas & nays being demanded Those who voted in the affirmative are Messrs Beggs, Clark, Polke, Smith—Those who voted in the negative are Messrs Ferris, Noble, Pennington, Hendricks, (Speaker).—

The said bill was then read the third time and passed—

Ordered that the Clerk inform the L. C. therewith, & desire their concurrence in the said amendments.

A message from the L. C. by Mr. Sullivan their Sctry[*] Mr. Speaker, the L. C. have passed the bill from this House making certain specific appropriations—They have appointed Mr. Johnson a committee of conferrence on the subject of the amendments made by L. C. to the bill supplementary to the act regulating the Town of Charlestown, to confer with the committee on the part of this House, on that subject.

On motion of Mr. Noble, The House according to order resolved itself into a committee of the whole on the bill respecting public monies, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Polke reported, That the committee had,

according to order, had the said bill under consideration and made some amendments to the same, which he handed in at the Clerk's table, where they were again read & concurred in by the House.—

The said bill was then read a third time and passed—Ordered that the title be "An Act respecting public monies".—Ordered that the Clerk carry the said bill to the L. C. & desire their concurrence.

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have passed a bill on the subject of high ways, in which they desire the concurrence of this House—They have rejected the amendments made by H. R. to the bill fixing the times & places of holding the Genl. Court, & have appointed a committee of conferrence consisting of Messrs Johnson & Test, & request a similar committee on the part of this House, to confer on said amendments, & make report.[*] Whereupon Messrs Noble & Clarke were appointed such committee on the part of this House.—[42]

Mr. Ferris, having obtained leave, introduced a bill fixing a certain sum to be paid by persons keeping ball allies, which was read the first, second & third times & passed—The yeas & nays being demanded on the final passage—Those who voted in the affirmative are Messrs Beggs, Clarke, Ferris, Noble, Hendricks (Speaker)—Those who voted in the negative are Messrs Pennington, Polke, Smith—

On motion of Mr. Polke, The bill from the L. C. on the subject of highways, was taken up & read the first, second & third times and passed—

Ordered that the Clerk inform the L. C. therewith.—

A message from the Governor, by Mr. Prather his private secretary, Mr. Speaker, the Governor did this day approve an act in amendment of the law on the subject of small causes—also a bill allowing the owners of Town lots, to redeem the same when sold for taxes—also a bill appointing a Lister for Clarke County.—

The House adjourned 'till 3 oclock this afternoon.

42 No report of the conference committee is given in the Journal and no further action was taken on the measure.

Friday afternoon.

The House met pursuant to adjournment.

On motion of Mr. Clarke, Resolved that the House reconsider their vote on the bill to remove the seat of[*] Government from Corydon to Salem, And the question being again taken,

Shall this bill pass? It was determined in the negative.—The yeas and nays being demanded, Those who voted in the affirmative are Messrs Beggs, Clarke, Ferris, Noble—Those who voted in the negative are Messrs Pennington, Polke, Smith, Hendricks, (Speaker).—

Mr. Beggs laid before the House the petitions of sundry inhabitants of Clarke County on different subjects—which were referred to a select committee consisting of Messrs Clarke and Beggs.—

On motion of Mr. Pennington, Resolved by the H. R. that they will not engage in any business, originating in either House of the Legislature, after this time.—

Mr. Noble from the committee of conferrence on the disagreement of both Houses to the amendments to the bill incorporating the towns of Madison & Vevay, reported That the committee of conferrence, could not agree.—

Mr. Beggs from the committee of conferrence on the disagreement of both Houses, relative to the amendments to the bill supplementary to the Act regulating the Town of Charlestown, reported, that the committee had agreed that the L. C. recede in part from their amendments, & that this House recede in part from their objections—In which report the House concurred.

Mr. Noble from the committee of conferrence appointed to confer with the committee on the part of L. C., on the subject of the amendments made to the bills[*] incorporating banking companies at Vincennes and Madison, reported that the committee had agreed that L. C. recede in part from their amendments & that H. R. recede in part from their objections—In which report the House concurred—

A message from L. C. by Mr. Sullivan their Secretary—Mr. Speaker the L. C. have concurred in the report of the committee of conferrence, relative to the amendments to the bills incorporat-

ing banks at Vincennes & Madison.—They have also concurred in the report of the committee of conferrence on the amendments to the bills incorporating the towns of Madison & Vevay, & Charlestown.—

On motion The House adopted a joint resolution relating to the banks at Vincennes & Madison—

Ordered that The Clerk carry the said resolution to L. C. for their concurrence.—

A message from L. C. by Mr. Sullivan their Secretary, Mr. Speaker the L. C. have rejected the bill from this House on the subject of ball Allies—They have passed the joint resolution respecting the banks.—

Mr. Pennington from the committee to whom was referred the petition of Henry Batman repo[r]ted a memorial to congress for his releif; which memorial was referred to a select committee consisting of Messrs Noble & Pennington.—

The House adjourned 'till to morrow morning.[*]

Saturday morning 10th September 1814.

The House met pursuant to adjournment.—

Mr. Noble from the committee of Enrolled Bills, reported, That the committee had examined an enrolled bill supplementary to the act, for the regulation of the town of Charlestown; A bill making certain specific appropriations & had found the same truly enrolled, When—The Speaker signed the said bills,

Ordered that the Clerk carry the said bills to L. C. for the signature of the president thereof.—

Mr. Beggs from the committee to whom was referred the petititions of sundry inhabitants of Clarke county, reported, That the committee were of opinion that the prayer of the petitioners ought not to be granted—In which report the House concurred.—

Mr. Clarke from the committee to whom was referred the petition of Benjamin Boston relative to the conduct of Heth & Craig, reported that in the opinion of the committee the House ought not to interfere on the subject. In which report the House concurred.—

On motion of Mr. Polke, The House concurred in the

memorial from L. C. expresing to Congress the sentiments of this Legislature, on the necessity that the duties of the Judges of the Genl. Court should be defined.

Ordered that the Clerk inform L. C. therewith.—

A message from L. C. by Mr. Sullivan their Secretary, Mr. Speaker the President of L. C. has signed a bill supplementary to the act for the regulation of Charlestown—also a bill making certain specific appropriations.— [*] The L. C. have passed a bill repealing the act reorganizing courts of Justice, in which they desire the concurrence of this House. They have passed the bill from this House concerning public monies, with amendments, in which they desire concurrence.

Mr. Noble from the committee to whom was referred the memorial to Congress for the benefit of Henry Batman reported the memorial with amendments, in which the House concurred.—

Mr. Ferris from the committee appointed for the purpose, reported sundry resolutions expressive of the sentiments entertained by this, of the brave conduct of Majr. Genl. Brown & his associates in Arms.—Which resolutions were adopted by the House.

Ordered That the Clerk carry the same to the L. C. for their concurrence.

Mr. Noble from the committee appointed to examine the Treasurer's office, reported that the committee had performed that duty, & had found the office in the state, in which the Treasurer in his late report had represented it.

On motion of Mr. Polke, The bill from the L. C. repealing the act reorganizing Courts of Justice was read, When on motion

The House resolved itself into a committee of the whole thereon, & after some time spent therein, Mr. Speaker resumed the chair & Mr. Pennington repo[r]ted, That the committee had according to order, had the said bill under consideration & made some amendments to the same which he handed in at the clerks table where they were again read & concurred in by the House— The said bill so amended was then read a second[*] and third times and passed—Ordered That the Clerk inform L. C. therewith.—

A message from the L. C. by Mr. Sullivan their Secretary—

"Mr. Speaker the L. C. have concurred in the memorial to Congress for the benefit of Henry Batman.[43] They have passed the resolutions relative to the conduct of Majr. Genl. Brown & his associates in arms[44]—They have rejected the amendments made by this House to the bill repealing the act reorganizing courts of Justice & have appointed a committee of conferrence consisting of Messrs Test & Johnson, to confer with such committee as may be appointed for the purpose by this House." Whereupon Messrs Noble & Clarke were appointed that committee,

Ordered that the Clerk inform the L. C. therewith.—

Mr. Beggs, having obtained leave, introduced a bill for the releif of Martin Hackleberry, corroner of Clarke County, which was read & upon motion of Mr. Smith, said bill was amended by inserting a clause giving similar releif to the coroner of Gibson county—The said bill so amended was read the second & third times—and the question being taken, Shall this bill pass? It was decided in the negative—The yeas & nays being demanded, Those who voted in the affirmative are Messrs Beggs & Noble—Those who voted in the negative are Messrs Clark, Ferris, Pennington, Polk, Smith, Hendricks, (Speaker)[45]—

On motion of Mr. Noble. The amendments made by L. C. to the bill concerning public monies, were read, & rejected by the House—Whereupon a committee of conferrence[*] was appointed consisting of Messrs Noble & Polke, to confer with such committee as may be appointed by L. C. for that purpose.

Ordered that the Clerk inform the L. C. therewith.—

The House adjourned 'till 3 oclock this afternoon.

[43] The text of the memorial has not been found. Batman had served as sergeant in Spier Spencer's company of militia and was wounded in the Battle of Tippecanoe. *John Tipton Papers,* 1:85, 88.

[44] The joint resolution commending the conduct of General Brown and his men in actions against the British on the Niagara frontier is printed in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 804-5.

[45] Huckleberry (Hackleberry) was commissioned Clark County coroner on August 20, 1811. John Barker was coroner of Gibson County. Territorial *Executive Journal,* 176, 194. At the following session, a bill was passed allowing Huckleberry compensation for his services in summoning judges and subpoenaing witnesses in the contested election for representative in Clark County in 1814. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 656.

Saturday afternoon.

The House met pursuant to adjournment.

Mr. Noble from the committee of Enrolled Bills reported, That the committee had examined, an enrolled bill incorporating the President, Directors, & company of the bank at Vincennes— also an enrolled bill incorporating the farmers & mechanicks bank of Indiana, also a joint resolution, expressive of the sentiments of this Legislature relative to the late gallant conduct of Majr. Genl. Brown & his asociates—a joint resolution relating to the banks of Vincennes & Madison—& had found the same truly enrolled, When

The Speaker signed the said bills,

Ordered that the Clerk carry the said bills to the L. C. for the signature of the President thereof.

Mr. Noble from the committee of conferrence on the amendments made by L. C. to the bill concerning public monies, reported that Committee could not agree on that subject.—

Mr. Noble from the committee of conferrence on the amendments made by H. R. to the bill repealing the act reorganising courts of Justice, reported that the committee are of opinion that this House recede in part from their amendments, & the L. C. recede in part from their objections— In which report the House concurred[46]— Ordered that the Clk inform L. C. therewith.— [*] A message from the L. C. by Mr. Sullivan their Secretary— Mr. Speaker the President of L. C. has signed the following enrolled bills & resolutions— Viz: a bill incorporating the farmers & mechanicks bank of Indiana—A bill incorporating the President, Directors & company of the bank of Vincennes—a joint resolution relative to the said banks—a joint resolution, expressing the sentiments of this Legislature, of the brave Majr. Genl. Brown & his associates—

A message from the Governor by Mr. Prather his private Secretary— Mr. Speaker, The Governor has directed me to inform this House, that he has on this day approved & signed an

[46] This measure does not appear among the acts for this session. Either the Legislative Council failed to concur in the report of the conference committee or the Governor withheld his approval See *ante,* 757n.

act incorporating the President, Directors & company of the bank of Vincennes—an act to incorporate the farmers & mechanicks bank of Indiana—a bill making certain specific appropriations—a memorial to congress relative to the Judges of the Genl. Court

The House adjourned sine die.

SUPPLEMENTARY DOCUMENTS

Reply of the Legislative Council to the Message of the Governor[47]

Corydon, August 15.

To his Excellency Thomas Posey, governor and commander in chief in and over the Indiana territory.

Sir—In answer to your excellencies message to both houses of the legislature, we beg leave to reply—that we fully agree with you, as to the necessity of convening the legislature at this time, and for the purposes mentioned in your excellencies message.

Although we do not conceive the defects in the law reorganizing the courts of justice to be such as have been handed out to the world by the judges of the general court and others. Yet we believe a change in the judiciary necessary, because of other defects, & because the people at large seem to want a confidence in the establishment of those courts—which places us in a situation truly dangerous to the rights of persons and property, and one that ought to be guarded against with the most watchful eye.— We are sorry that some of the inferior judges, who are declared by the law to be competent to hold the courts, have been so ill advised as to refuse to discharge their duties in that respect, and thereby become the authors of so much confusion. The most prominent defects in that law arises from the haste and inaccuracy with which it has been penned, and not from its unconstitutionality—as supposed by those judges.

The duties of the judges of the general court appear to be much undefined and left to implication—and for us, as a legislative body, to supply those implications by construction, would be only giving

[47] From Vincennes *Western Sun,* September 3, 1814.

opinions, unsupported by precedent, which are liable to be overturned by a superior tribunal, namely congress—and as judicial establishments are of the greatest importance to the welfare of civil society, they ought to be fixed upon principles not liable to construction, or the fluctuation of opinion. We shall therefore endeavor in the course of the present session (if the state of our funds will admit of it) to establish a court independent of the general court, and one over which our legislature may & will have undoubted controul.

We are likewise convinced of the defects in our militia law—and they have chiefly arisen from the failure of the general government to fulfil the expectations of the legislature in the appointment of general officers. An early and prompt attention will be paid to that part of your excellency's message. We are, with you, in the opinion that from recent circumstances that have transpired in Europe, the prospect of peace seems too remote—yet we are not left altogether without a hope that our enemy may find it his interest, if not his duty to enter into an amicable adjustment of affairs with our present ministers, whereby returning peace may again be restored to our wronged and burthened country. The events of war and peace are within the controul of him who holds in his hands the destinies of nations, and to whom we can always look with confidence for every blessing if we but pursue that virtuous course pointed out by his wisdom for nations, as well as individuals—and that although an unrelenting war is depopulating some of our towns, and strewing our fields with carnage—yet bounteous nature spreads around the pleasing prospect of health and plenty, and we are well assured with your excellency, that so long as we continue to exercise virtue, the beneficent creator will protect our country from the grasp of tyrants and oppressors.

As to the length of the present session, it is not within our knowledge—but sufficient time will be taken in all cases to deliberate, and settle in the best manner within our knowledge and abilities, all matters which may come before us—and we shall in every case be governed by what we may conceive to be the interest of our territory.

We are fully sensible of your excellency's willingness to co-

operate with us in whatever may be considered to advance and promote the public good, and shall make it our business and pleasure to maintain that order and harmony which your excellency is pleased so streniously to recommend—and with a sincere wish that the evening of your days may be tranquil and happy, as your life has been active and useful.

We subscribe ourselves with sentiments of regard, yours, &c.

JESSE L. HOLMAN,
PRESIDENT OF THE LEGISLATIVE COUNCIL.

REPLY OF THE GOVERNOR TO THE LEGISLATIVE COUNCIL[48]

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL.

It is with much pleasure I observe in your answer to my communication, that my conduct in convening the legislature at the present period meets your approbation, and that you approve of the several subjects offered for your consideration.

I am of opinion with you, that the law reorganizing the courts of justice is far from being so defective as many have considered, and as has been handed out to the community—and I am of opinion that had the courts have been organized to the extent that was contemplated when passed, that it would have been attended with happy consequences, and given very general satisfaction.

In the course of your deliberations to provide a remedy for our present deranged judiciary, I have full confidence that you will use every exertion in your power to have the best possible system that you can devise, to secure to our citizens their just rights, of life, liberty and property. I receive with pleasure your sincere wish for my happiness, and most sincerely hope and wish you may individually and collectively enjoy health and prosperity.

I am, with perfect respect and regard, your obt. servt.

TH: POSEY.

CORYDON, 18th Aug. 1814.

[48] From Vincennes *Western Sun,* September 3, 1814. This is given in Esarey (ed.), *Messages and Letters,* 2:659, as a reply to both houses of the Assembly.

Memorial to Congress[49]

To the Honorable The Senate and House of Representatives of the United States, in Congress met, for the Year 1814—

The memorial of the Legislature of the Indiana Territory, Respectfully Sheweth,

That on the 9th day of February 1813, from the alarming & exposed situation of the Territory afd. to Indian hostilities, His Excellency General John Gibson, the then acting Governor issued an order calling into the Service of the United States twelve companies, together with four companies that had been called previous to the date of the order aforesaid, making in the whole sixteen companies of militia, for the purpose of protecting the frontier of the Territory aforesaid, and to prevent its inhabitants from being slaughtered; which in a certain degree had the desired effect the order alluded to as aforesaid, follows[50]

"Head Quarters, Vincennes
"February 9th 1813.

"General Orders.

"From the present situation of the Territory, I have thought proper and do hereby order that there be immediately organized by draft one complete and additional company from the fourth Regiment; one complete & additional company from the second Regiment; one complete and additional company from the sixth Regiment; Two complete companies from the third Regiment; Two complete companies from the seventh Regiment; and two complete companies from the Eighth Regiment—

"The Col'l Commandants will appoint some suitable person, in their respective Regiments to muster & inspect these companies.—

"Major Wilson Lagoe[51] will command the four companies

[49] From original document, in hand of Isaac Blackford and signed by Thomas Posey and William Hendricks, in Indiana Historical Society Library.

[50] The Governor's action was taken on the recommendation of a joint committee of the Assembly. *Ante,* 512-13.

[51] Wilson Lagow, of Knox County.

from the first and fourth Regiments—Major John Tipton, those from the second and fifth Regiments—Major John Vawter, those from the third & sixth Regiments—and Major William Helm, those from the seventh and eighth Regiments. When thus organized Major's Lagoe & Tipton will report themselves to Lieut. Col. Thomas Scott, of the first Regiment, who is hereby appointed to the command of the eight companies from the 1st, 2nd, 4th & 5th Regiments— And Major Vawter & Helm to Colo. William McFarland of the 6th Regiment who is hereby appointed to the command of the eight companies from the 3rd, 6th 7th & 8th Regiments, upon the companies being reported to their respective colonels, the colonels having agreed upon a line of block houses, they must station their respective commands upon the frontiers in such manner as will best protect the citizens from the inroads & and depredations of our enemy— They will cause block houses of sufficient strength to be built at such places as may be agreed upon by them, and cause a chain of constant communication to be kept up between them.—Colos. Robb and McFarland will report to and receive orders from the commander in Chief from time to time.

"JOHN GIBSON, acting Governor &
commander in Chief Ind. Ty."

Some of those companies remained little upwards of three months in service & some of them remained in service a shorter period. (It will be observed that the order is indefinite) since the order referred to issued, & these sixteen companies were discharged, other companies of militia have been ordered out for the protection of the frontiers of this Territory & mustered into the service of the United States by order from his Excellency Thomas Posey, Governor of the said Territory— Among some of his orders the following

"JEFFERSON-VILLE 8th July 1813

"GENERAL ORDERS—

"The commander in chief having just received a communication from Colo. Noble of the distressed situation of the frontiers of Franklin County, owing to depredations lately committed and the danger the inhabitants are liable to by the Indians, orders that

Colo. Noble will have a company from the 7th Regiment of the militia of Franklin and orders them to be equipped and stationed on such parts of the frontiers of said county as he may think most suitable for protection, which company will continue on duty one month, except sooner discharged.—

"THOS. POSEY
Govr. & Commd. in Chief I.T."

A company of militia under the order aforesaid was organized from the 7th Regiment, & stationed on the frontiers for nearly one month, which company was commanded by Captain Elliott Herndon, and in the month of September 1813 by virtue of another order which issued from his Excellency Thos. Posey commander in chief, a company of militia was organized from the said 7th Regt. and commanded by Capt. John Brison, who remained in service nearly one month on the frontiers of the Territory— Your memorialists will further represent, that Colo. George Hunt in 1812 ordered into Service one company of militia, & the particulars attending the order and company, are set forth in a petition of the Colo. and others, to the Legislature of the Territory, a copy of which is herewith transmitted, as follows

"TO HIS EXCELLENCY THOMAS POSEY, THE HONORABLE THE LEGISLATIVE COUNCIL & HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY

"The petition of the undersigned, Citizens of Wayne County, most respectfully represent that during the Indian trouble in the fall of 1812, the term of service of one company of militia being about to expire, veiwing the exposed situation of the frontier inhabitants of this county, the Colo. called a council of officers who in consequence of continual depredations, & recent murder being committed on the Inhabitants and their property determine that it is expedient and absolutely necessary that the Colo. order out a company to fill the vacancy and accordingly Capt. William Holman with his company were ordered into service on the 28th day of November 1812 & continued in service three months & were furnished provisions by Samuel Walker, acting as commissary, for all which service and rations, the officer, the soldier or

the commissary have yet received no remuneration whatever. We therefore pray that our commander in chief & Honorable General Assembly will take the matter into your consideration and do in the premises as to you shall seem just and right. Placing implicit confidence in his Excellency, & the Honorable General Assembly, we the more cheerfully submit the case, humbly hoping that the officer & soldier & commissary shall thereby receive their well earned pay— And as in duty bound we will ever pray &c—

"Wayne [County] August 4th 1814"

Your memorialists will further represent that many of those men, who composed in part those sixteen companies and being called into the service of the United States for the protection of the inhabitants of the Territory in the commencement of the Spring 1813 have been entirely prevented from raising of crops and measurably deprived of support for their families— your memorialists, will further state, That the militia referred to (excepting the company specified in the petitions aforesaid signed by Colo. Hunt and others) were found provisions while in service by the United States' contractor at Vincennes, or by his Agents, which induces your memorialists to believe, as that has been sanctioned by the Government, the militia will certainly be paid— Also your memorialists will further represent that the memorial of the Legislature of the Territory at their session in the winter of the present year as far as your memorialist have learned was referred to a committee appointed by the House of Representatives in Congress who reported among other things, that the memorial did not designate the particular companies of militia, and failing therein the committee could not say whether the companies of militia had been paid or not;[52] Your memorialists therefore request that a call be made on the Secretary at War and it will be found that muster rolls, have been made out for those companies, or some of them, & deposited in the office, both the muster Rolls going into service and out of service; which will designate those companies specially, and with those Rolls the officers commanding the companies, have forwarded to the war office their subsistance

52 *Ante,* 619, and note.

accounts.— Your memorialists, therefore pray that your Honorable body will cause the companies of militia referred to, to be paid, as shall seem in your wisdom just and right.

WILLIAM HENDRICKS Speaker
of the House of Representatives
JESSE L. HOLMAN President
of the Council

Approved 10th September 1814
TH: POSEY

[Endorsed:] Memorial to Congress from the Legislature of Ind. Ty. Originated in the House of Representatives— I. Blackford C. H. R.

[Endorsed:] 30th September 1814: Referred to the Secretary of War.

[Endorsed:] Speak. laid bef[ore] ho[ouse] rept secr. war.

FIFTH GENERAL ASSEMBLY
SECOND SESSION

December 4–28, 1815

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE INDIANA TERRITORY begun and held at Corydon in the county of Harrison on Monday the fourth day of December in the year of our Lord eighteen hundred and fifteen[1]

On Which day being the day appointed by law for the meeting of the Legislature of the Indiana Territory the following members of the House of Representatives appeared Vis.—

Joseph Holman from Wayne County
David Mount from Franklin County
Esra Ferris from Dearborn County
Elisha Golay from Switserland County
Christopher Harrison from Jefferson County
Charles Beggs from Clark County
Marston G. Clark from Washington County
Dennis Pennington from Harrison County
William Polke from Knox County
James Smith from Gibson County &
Ratliff Boone from Warrick County

The following gentlemen to wit Joseph Holman David Mount Elisha Golay and Christopher Harrison having been elected since the last general election and since the last session of the Legislature of the Indiana Territory having now produced their credentials Were sworn in the usual form and and thereupon took their seats[*][2]

[1] From manuscript Journal in the Archives Division, Indiana State Library.

[2] The Territorial *Executive Journal,* 223, shows that writs of election were issued to Jefferson Dearborn, Switzerland, Wayne, Posey, and Perry counties to choose members of the Council and House of Representatives. Christopher Harrison succeeded William Hendricks who resigned following his appointment as territorial attorney for the United States.

The House proceeded by ballot to elect a Speaker and upon examination it appeared that Dennis Pennington was duly elected Who accordingly took the chair The House proceeded by ballot to elect a clerk and upon examination it appeared that William Hendricks was duly elected Who was accordingly sworn into office

On Motion Ordered that Henry Batman be appointed doorkeeper and that he give his attendance accordingly

On Motion Ordered that the clerk inform the Legislative Council that the House of Representatives have formed a quorum —elected Dennis Pennington Speaker, William Hendricks Clerk and, and that they have appointed Henry Batman Doorkeeper.— To which appointment they request the concurrence of the Legislative council

On Motion Ordered that a committee be appointed on the part of this House to act in conjunction with a similar committee on the part of the Legislative council, to wait on the Governor and inform him that the two Houses have met—have formed a quorum, Are now ready to proceed to business and to receive any communications he may have to make and that the clerk inform the Legislative council thereof.—[*] and Messrs Clark and Polke were appointed that committee

A message from the Legislative council by Mr. Sullivan their Secretary Mr. Speaker.—I am instructed to inform this House

The date of the appointment was November 2, 1814 (U. S. Senate *Executive Journal,* 2:577, 579). Joseph Holman succeeded James Brown, deceased. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 829n. Switzerland, Posey, and Perry were new counties. Golay represented Switzerland and Peter Wilkinson, who was seated on December 5, was joint representative from Posey and Perry. David Mount was elected in Franklin County to succeed James Noble who was now a councilor, replacing John Test. No writ of election to Franklin County appears in the *Executive Journal.*

In the Legislative Council at this session were: Solomon Manwaring, Dearborn, Jefferson, and Switzerland counties; James Noble, Franklin and Wayne counties; David Robb, Gibson and Warrick counties; John Harbison, Harrison and Clark counties, and John Johnson, Washington and Knox counties. Manwaring replaced Jesse L. Holman who was appointed presiding judge of the Second Judicial Circuit on September 14, 1814. Territorial *Executive Journal,* 219, 223.

that the Legislative council have formed a quorum,—have elected David Robb President,—have continued George R. C. Sullivan as Secretary, and have concurred in the appointment of this House of Henry Batman for Doorkeeper

On Motion Ordered that the certificates of election of Joseph Holman David Mount Elisha Golay and Christopher Harrison be referred to a select committee with instructions to report thereon to this House, And Messrs Clark and Ferris were appointed that committee

The Speaker laid before the House a letter from his Excellenc the Governor informing of his inability to attend at the commencement of the Session— Of his Appointment of Col. Allan D. Thom,[3] his private secretary and that through him his communications would be made to the Legislature, And

On Motion Ordered that the same do lie on the table.—

The Speaker laid before the House a letter from Thomas E. Castlebury of Posey county touching the legality of the election of the[*] Representative of said county and,

On Motion Ordered that the same do lie on the table

A message from the Legislative council by Mr. Sullivan their secretary Mr. Speaker, I am instructed to inform this House that the L. C. have appointed John Harbison a joint committee on the part of this House to wait On the Governor—to inform him that the Legislature have met and are ready to receive his communications

On Motion of Mr. Clark Ordered that the committee appointed to wait on the Governor, wait on him thro the medium of his private secretary Mr. Thom.—And

On Motion Ordered that the clerk inform the Legislative council there of

The Speaker laid before the House a "Schedule of the whole

[3] Allan D. Thom, a native of Virginia, came to Indiana in April, 1813. In January, 1814, he was appointed collector of internal revenue for the Territory, and on September 17, 1814, was appointed adjutant general, with rank of colonel. U. S. Senate *Executive Journal,* 2:457, 461; Territorial *Executive Journal,* 222.

number of persons within the county of Dearborn On the 20th day of May 1815," which number is 4424—[4]

Ordered that the same do lie on the table

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker I am directed to inform this House that the L. C. will not instruct the[*] committee appointed On their part to wait upon the Governor, to wait on his excellency thro the medium of Col. A. D. Thom, As requested by this House

A message from the L. C. by Mr. Sullivan their Secretary Mr Speaker I am directed to inform this House that the L. C. have Appointed John Harbison a committee of ways and means on their part to act with such as may be appointed on the part of this House—That they have appointed James Noble On their part a committee of Inrolled bills, and that they have adopted the joint rules of both Houses as of last session for the rules and Government of their House this Session—

On Motion Ordered that a committee of Ways and Means be appointed On the part of this House; And, Col. Clarke was appointed that committee

On Motion Ordered That a committee of Inrolled bills be appointed On the part of this House; and, On thereupon Mr. Harrison was appointed that committee

On Motion Ordered that this House adjourn till three O clock this afternoon.—

Three O. Clock P. M. House met pursuant to adjournment.—

Mr. Harrison laid before the House a list of the amount of land made taxable in the county of Jefferson—also a statement of the census for the county of Jefferson amounting to 4286. These for the year 1815. amount due of tax fo[r] the year 1815 $580.23[*] Mr. Harrison also laid before the House a list Of

[4] The census figures and tax lists presented the Assembly from the various counties during this session had been assembled under the joint resolution passed by the preceding Assembly. See Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 587-88. The figures vary slightly from those given in the official census transmitted to the U. S. House of Representatives. See Charles Kettleborough (ed.), *Constitution Making in Indiana* (3 vols. *Indiana Historical Collections,* vols. 1, 2, 17, Indianapolis, 1916, 1930), 1:68-69.

fines assessed by the circuit court for the county of Jefferson commencing at April term 1815. Amounting to $24.00.

On Motion Ordered that the same lie on the table

Mr. Ferris laid before the House a statement of Territorial Taxes due from the county of Dearborn for the year 1815. Amounting to $360.99¼

Ordered that the same do lie on the table

Mr. Beggs laid before the House A Statement of the census of Clark county Amounting to 7150 souls—also a statement of taxes due from the county of Clark to the Indiana Territory for the years 1813 & 1814 amounting to $1587.34

Ordered that the same do lie on the table

Mr Clark laid before the House the census of Washington county amounting to 7315

Ordered to lie on the table

Mr Clark from the committee appointed for that purpose informed the House, that the Governor would on tomorrow morning at 9 O. Clock make communication to both houses of the Legislature

On Motion Ordered that an additional member be appointed to the joint and standing committee of this House, appointed to enquire into the state of the Territorial Treasury; and, Mr. Harrison was appointed that member

On Motion Ordered that the House adjourn till to morrow morning 9. O. Clock.[*]

Tuesday morning December 5th 1815. House met pursuant to adjournment

Mr. Peter Wilkinson from the county of Posey now appeared —produced his credentials—Was sworn in the usual manner and took his seat

The Speaker laid before the House a communication from the Governor, Which, On Motion was ordered to be read and spread upon the journals; and which is as follows to wit.—

GENTLEMEN OF THE LEGISLATIVE COUNCIL AND OF THE HOUSE OF REPRESENTATIVES

The period for the meeting of the Legislature of the Territory has once more arrived, and it is with the most heartfelt satisfaction

that I now congratulate you, that since your last meeting, A bloody war has been terminated by an honorable peace, the blessings of which has been diffused and felt throughout our beloved country. We cannot be too grateful to that providence, in whose hands are the destinies of nations, that he has blessed our efforts in a just and arduous struggle, with a powerful and ambitious enemy, and finally crowned them with the most glorious success. This event has furnished a new era in our history, from which the most flattering presages may be drawn; it has taught us confidence in ourselves, and demonstrated the efficiency of a free government in war, as well as in peace—These political business[es], which are of a nature so interesting and important, were not obtained but at the expence of blood and treasure and individual privation; These however are the natural concomitants of war, and should be cheerfully submitted to, in order to insure great national[*] objects. In no section of the union, is there more cause for rejoicing at the restoration of peace, than in this Territory. A cruel and blood thir[s]ty enemy, who border on our Frontier, and whose mode of warfare is the indiscriminate slaughter of the infant, the aged, and the helpless part of the community, have agreed to bury the tomahawk, and once more live with us in the bands of friendship. From this event has flowed and is still flowing, the most lasting benefits to our country; an emigration which is rapidly populating our fertile lands, and which in a little time will enable us to be admitted into the political family of the union as an independent State

Permit me to recommend to the Legislature, the prop[r]iety as well as justice of imposing as moderate taxes on the emigrants to the Territory, as may be compatible with the public interest: most of them have removed from a great distance, at a considerable expense. They have to encounter many difficulties in opening their farms for cultivation, before they can derive a support, much more a profit from them, and consequently their ability will be lessened from contributing largely for a short time, to the public exigencies. These circumstances are not unknown to you Gentlemen, and I make no doubt when you take up the subject of taxation, you will give them that consideration which their importance merits. The

present seems to be a favorable time to turn your attention to the promotion of education and the improvement of the state of roads and highways. Both of these subjects have been already acted on. By revising them a knowledge of their practical operation, may demonstrate the necessity of making alterations and improvements that will be extensively useful[*]

A revision Of the Territorial laws, are highly necessary, and should be taken up as early in the session as possible. There has not been for some time any of the acts of 1808 or 1810. to distribute to Justices of the peace, and others who are entitled to them; in fact from their detached and deranged situation, the laws have become complicated and difficult to be searched out, and properly understood.—[5]

Every dictate of prudence recommends an amendment to the militia system, so as to render it free from any unnecessary delay in its operation, and to secure by more certain and adequate punishments, prompt Obedience to such requisitions, as emergencies may from time to time require

I cannot close this communication, without expressing my confidence, in a wise and honorable result to your deliberations, and assurances of the faithful zeal, with which my cooperating duties will be discharged; invoking at the same time the blessings of heaven on our beloved country

TH. POSEY

JEFFERSONVILLE 4th Decr. 1815.

Mr. Polke laid before the House a statement of the Territorial taxes of Knox county for the year 1815. amount, $743.41.—also a statement of the census of said county for the year aforesaid amount 8068.—

On motion Ordered that so much of the Governors communication as relates to roads and highways be referred to a select committee with leave to report thereon by bill or other wise.—Messrs. Ferris & Clark were appd. that committee[*]

[5] No action was taken on this recommendation. See report of committee, *post,* 860. The need was met in part in 1817 when General Washington Johnston published privately *A Compend of the Acts of Indiana,* 1807-14. There was no revision of the laws by the General Assembly until 1824.

On motion Ordered that so much of the Governors message as relates to the militia laws of this Territory be referred to a select committee with leave to report thereon by bill or otherwise. And Messrs. Clark & Boone wer[e] appd. that committee

On motion Ordered that so much of the Governors communication as relates to the taxation of immigrants to this Territory be referred to a select committee with leave to report thereon by bill or otherwise and Messrs Holman Mount and Golay were appointed that committee

On motion Ordered that so much of the Governors communication as relates to the revision of the laws of this Territory be referred to a select committee with leave to report by by bill or otherwise And Messrs Harrison Ferris Beggs and Smith were appointed that committee

Mr. Polk laid before the House the Petition and memorial of General W. Johnston which was,

On motion Ordered to be read and referred to a select committee with leave to report thereon by bill or otherwise and Messrs. Polke and Boone wer[e] appd. that committee

Mr. Boone laid before the House the letter of the associate Judges of Warrick county and

On motion Ordered that the same be read—referred to a select committee with leave to report thereon by bill or otherwise and Messrs. Boone Smith and Wilkinson were appd. that committee[*]

Mr. Clark laid before the House the Petition of John Guthrie and others praying for a division of Washington County

Ordered to be referred to a select committee with leave to report thereon by bill or otherwise.—And Messrs Clark & Beggs were that committee

On motion Ordered that the House adjourn till three O clock this Afternoon.—

Three O Clock P. M. House met pursuant to adjournment.—

Mr Holman laid before the House the Petition of sundry inhabitants of the county of Wayne praying a removal of the seat of Justice of said county together with divers remonstrances against the same

On motion Ordered that the same be referred to a select committee with leave to report thereon by bill or otherwise and Messrs. Holman Mount and Ferris were appd.

Mr. Boone laid before the House a statement of Territorial Taxes due from the county of Warrick for the year 1814. Amount $144.81.—

Ordered that the same do lie on the table

On motion Ordered that a committee be appointed to enquire whether any, and if any, what provision ought to be made by law for persons insane and Messrs Ferris and Harrison were appointed that committee[*]

On motion Ordered that so much of the Governors message as relates to education be referred to a select committee with leave to Report thereon by bill or otherwise and thereupon Messrs Ferris Golay and Smith were Appointed that committee.—

On motion Ordered that a committee be appointed to enquire whether any and if any what alteration is necessary in the law entitled "An Act respecting grist mills and millers"

Messrs Harrison Beggs and Smith were appointed that committee.—

On motion Ordered that this House adjourn till tomorrow morning 9. O. clock.—

Wednesday morning December 6th 1815.—

House met pursuant to adjournment.—

Mr. Pennington laid before the House a statement of taxes due the Territorial Treasury from the county of Harrison for the year 1815. Amount, $482.37¾.

The Speaker laid before the House the report of the Territorial Treasurer, And

On motion,[*] Ordered that the same be referred to the committee on the Treasury Department with leave to report thereon by bill or otherwise

Mr. Holman laid before the House a statement of the censu of Wayne county. Amount, 6407.—

Mr. Golay laid before the House a memorial of the directors of the Literary society of Vevay.

On motion Ordered that the same be referred to the committee, to whom was referred so much of the Governors communication as relates to the subject of education

Mr. Polke from the committee to whom was referred the Petition and memorial of General W. Johnston reported unfavorably to the prayer and representation of the same, and, On motion

Ordered that the said report be concurred in.—

On motion Ordered that a select committee be appointed, to enquire whether or no it would at this time be expedient, to take any measures preparatory to going into a state government with leave to report thereon by resolution, memorial or otherwise and Messrs Harrison Clark Polke Ferris were appointed that committee.—

On motion Ordered that Mr. Wilkinson be added to the above committee[*]

On motion Ordered that the committee to whom was referred so much of the Governors Message as relates to the subject of Education be instructed to enquire whether any, and if any, what, alterations are necessary, in the several laws of this Territory, respecting sections sixteen, commonly called school sections

On motion, Ordered, That a committee be appointed to draft a bill, to prevent any private company already organised, Or hereafter to be organised, from issuing promissory notes or bills of credit, until chartered by an act of the Legislature; unless such notes be signed by each person concerned in said company.— And, Messrs. Ferris and Harrison were appd. that committee.—[6]

On motion Ordered that the House adjourn till tomorrow morning nine o.clock.—

December 7th 1815.—Thursday

House met pursuant to adjournment.—

Mr. Ferris from the committee of elections, reported that from the documents presented on the part of Peter Wilkinson

[6] The committee introduced a bill to prevent swindling which passed both houses and was signed by the Governor.

representative from Posey county It is the opinion of this committee that said Wilkinson is entitled to his seat And

On motion Ordered that said report be concurred in.—[*]

Mr. Clark asked leave to bring in a bill requiring an Oath or affirmation of each candidate for the convention for framing a constitution for the Territory, On its being organised into a state government—

And thereupon leave was granted and said bill read the first time And

On motion Ordered that said bill be read the second time now.—two thirds concurring in the same

On motion Ordered, that said bill be referred to a committee of the Whole House and made the order of the day for tomorrow.—

Mr. Golay from the committee to whom was referred that part of the Governors communication which relates to the taxation of emigrants reported as follows to wit.—

Your committee to whom was referred so much of the Governors communication as relates to the taxation of emigrants, beg leave to report.— That they are of opinion, that under a free government—every citisen thereof should be equally taxed, agreeably to his property, to support that government.

Therefore it is resolved that it is neither just nor expedient, to make any distinctions, between the late as well as the future emigrants, and the other citisens of this Territory. And

On motion Ordered that the same be concurred in.—

Mr. Harrison laid before the House the Petition sundry inhabitants of Jefferson County praying for a division of said county—also a petition from sundry inhabitants of the same county praying that no division of said[*] county may take place

On motion Ordered that said documents be referred to a select committee with leave to report thereon by bill or otherwise and Messrs Harrison Ferris and Golay were appointed that committee.—

Mr. Harrison asked leave to bring in a bill to encourage the killing of wolves and to preserve the breed of sheep

On Motion— Ordered that the same be read the first time now, And

On motion—Ordered that the same be read the second time tomorrow.—

Mr. Ferris from the committee appointed for that purpose reported a bill to prevent swindling, which was read the first time and ordered to be read the second time tomorrow.—

A message from the Legislative council by Mr. Sullivan their secretary Mr. Speaker the L. C. have passed a bill for the relief of the persons who leased in the year 1812 school section No. 16. in Town 12. Range 12. Franklin County, west of the old Indian boundary; which was read the first time and

On motion—Ordered that the same be read the second time tomorrow.

Mr. Ferris asked leave to bring in a joint Resolution for the relief of John Weaver administrator and Elisa Sparks administratrix of the estate of Elijah Sparks decd. which was read the first time and ordered to be read the second time tomorrow.—[*][7]

Mr. Harrison from the committee appointed to enquire as to the expediency at this time of taking any measures preparatory to a state Government reported a memorial to congress praying that a time and place may be appointed for the meeting of a convention for the purpose of forming a constitution—that a certain per cent may [be] granted to this Territory or the state to be formed of the same of the sales of public lands and that the provisions of the sixth article of compact be guaranteed by congress as the basis of our constitution[8] which memorial was read and

On motion—Ordered to be read the second time on Saturday next.—

Mr. Wilkinson laid before the House the census of Posey County amounting to 1619.—

[7] The Territory owed Sparks $408 in salary for seven months service as circuit judge. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 688.

[8] The text of this memorial as finally passed is given in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 812-14. It was read in the U. S. House on December 27, 1815, and in the Senate on January 2, 1816. The enabling act was approved April 19, 1816. *Annals of Congress,* 14 Congress, 1 session, 27, 408; U. S. *Statutes at Large,* 3: 289-91.

Ordered that the same do lie on the table.—

On motion Ordered that the House adjourn till tomorrow morning 9. Oclock.—

Friday morning December 8th 1815.—

House met pursuant to adjournment.

Mr. Boone from the committee to whom was referred the Petition of the associate Judges of Warrick reported a bill for the relief of Nathaniel Claypoole[9] and others, which was read the first time and on motion ordered to be read the second time tomorrow.—[*]

Mr. Harrison asked leave to bring in a bill allowing compensation to Grand Jurors.—and thereupon leave being granted said bill was read the first time.—and on motion ordered to be read the second [time] on Monday next.—

Mr. Golay moved for leave to bring in a bill Supplementary to an act, entitled An Act, to establish ferries, and An Act Supplementary thereunto.—Which bill was read the first time, and, Ordered to be read the second time on Monday next.—

A message from the L. C. by Mr. Sullivan their Secretary.—Mr. Speaker the L. C. have passed an act to attach part of Gibson County to Posey County.—Also a joint resolution for printing the Journals of the present session and ask the concurrence of this House.—

Mr. Ferris laid before the House the Petition of Daniel French, which was read and ordered to lie on the table.—

On motion Ordered that the bill from the L. C. to attach a part of Gibson county to the county of Posey, was taken up and read the first time, and, Ordered to be read the second time tomorrow.—[*]

On motion Ordered that the resolution from the L. C. for printing the Journals be read the first time, and

Ordered to be read the second time on Monday next.—

[9] This bill passed the House (*post,* 862, 868), and apparently passed the Council for it was declared enrolled and was signed by the President of the Council. However, it does not appear among the session laws which indicates that it did not receive the Governor's approval.

Mr. Wilkinson laid before the House the Petition of sundry inhabitants of Posey county praying a removal of the seat of Justice of said county

On motion Ordered that document be referred to a select committee with leave to report thereon by bill or otherwise. And, thereupon, Messrs Wilkinson Boone & Smith were appointed that committee.—

On motion Ordered that the bill for the relief of George Corn and others be read the second time, referred to a committe of the whole, and made the order of the day for tuesday next.—

A message from the L. C. by Mr. Sullivan their Secretary

Mr. Speaker. the L. C. have passed a bill to repeal the several laws authorising writs of certiorari, and request the concurrence of this house

Mr. Boone laid before the House a statement of the census of Warrick County, amounting to 1308. and

On motion Ordered that the clerk take a transcript of the amount, of the said census from the document exhibited by Mr. Boone and deliver the same to the Territorial Treasurer.—[*] Which transcript is as follows to wit.—

"I do hereby certify that the lister of Warrick, returned on his list, persons as above twenty one 498. and the [number] returned under twenty one 810. Total No. 1308.

W. G. Buckler C. W. C."

On motion Ordered, That the resolution for the relief of John Weaver administrator and Elisa Sparks administratrix of Elijah Sparks Decd. be read the second time, and engrossed for a third reading tomorrow.—

On motion Ordered that the bill from the L. C. repealing the several laws authorising wr[i]ts of certiorari be read the first time

Ordered that the same be read the second time on tuesday next.—

On motion Ordered that the bill to encourage the killing of wolves, and to preserve the breed of sheep be read the second time and ordered that the same be read, to a committee of the whole on tuesday next.

On motion Ordered that the bill to prevent swindling be read the second time referred to a committee of the whole House and made the order of the day for tomorrow.—

On motion The House resolved itself into a committee of the whole on the bill "requiring an oath or affirmation of each candidate for the convention, for framing a constitution for this Territory on its going into a state government." Mr Smith in the chair. And after some time spent[*] therein, Mr. Speaker resumed the chair and Mr. Smith reported that the committee had according to order had the said bill under consideration, made some amendments to the same which he handed in at the clerks table when they were again read, and,

On motion to concur in the amendments of the committee of the whole which were "to strike out the same from the enacting clause" The Yeas and Nays being called for those who voted in the affirmative are Messrs. Beggs, Boone, Ferris, Golay Harrison Holman Mount, Polke, Smith, and Wilkinson Those who voted in the negative are Messrs. Clark & Pennington.—And so it was determined in the affirmative

On motion Ordered that the said bill be postponed indefinitely

A message from the L. C. by Mr Sullivan their Secretary Mr Speaker.—The L. C. have passed an act entitled an act to amend an act, entitled an act establishing circuit courts.—

On motion Ordered that the same be read the first time now, and the second time tomorrow.—

On motion Ordered that the House adjourn till three O.clock this afternoon.—[*]

Three O.clock P. M. House met pursuant to adjournment.—

Mr. Clark from the committee to whom was referred so much of the Governors message as relates to military affairs reported a bill to amend an act entitled an act reorganising the militia of the Indiana Territory, which was read the first time and

Ordered to be read the second time on wednesday next—

Mr. Boone laid before the House the remonstrance of sundry

inhabitants of Posey county praying that no removal of the seat of Justice of said county may take place

Ordered that the same be referred to the committee to whom was referred the petition of sundry inhabitants of Posey county praying a removal of the seat of Justice of said County.—

Mr. Clark asked leave to b[r]ing in a bill for the removal of the seat of Govt. from Corydon to Salem.—Which was read the first time and

On motion Ordered to be read the second time on tuesday next.—

On motion Ordered, That the House adjourn till nine O clock, tomorrow morning.—[*]

Saturday morning 9th Decr. 1815.—

House met pursuant to adjournment.—

On motion Ordered that the House come to the following joint resolution

Resolved, that the committee of inrolled bills be instructed, (On account of the indisposition and inability of the Governor to attend at the seat of Government.) to deliver the Inrolled bills to the private secretary of the Governor, to obtain the approbation and signature of his Excel[l]ency.—

Ordered that the clerk inform the L. C. thereof.—

Mr. Harrison asked leave to bring in a bill extending the Jurisdiction of Justices of the peace which bill was read the first time and ordered to be read the Second time on Wednesday next.—

Mr. Ferris from the committee appointed for that purpose reported "a bill concerning insane persons."— Which bill was read the first time and Ordered to be read the second time on Wednesday next.—[*]

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The L. C. have concurred in the resolution from this House respecting the committee of Inrolled Bills

On motion Ordered that the memorial to congress respecting a State Government be taken up and read the second time

On motion Ordered that said memorial be referred to a

committee of the whole House and made the order of this day and thereupon

On motion The House resolved itself into a committee of the whole House on said memorial Mr. Smith in the chair, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Smith reported, That the committee had according to order had the said bill under consideration, had made some amendments thereto which he handed in at the clerks table where they were again read.

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The L. C. have passed a bill to form a new county out of the county of Knox; Also a joint[*] resolution respecting the residence of the Gove[r]nor and Secretary, also a bill for the relief of the several collectors within the Indiana Territory; An Act attaching part of Knox county to Washington county Also a joint resolution for the appointment of a joint committee to draft a bill organising Justices of the peace as county courts, and have appointed Messrs. Noble and Johnson that committee

On motion Ordered that the bill from the L. C. forming a new county out of the county of Knox be read the first time and ordered to be read the second time on monday next.—

On motion, Ordered, that the joint resolution respecting the residence of the Governor and Secretary be taken up and read the first time now. An[d] the second time on tuesday next.—

On motion Ordered that the joint resolution for the appointment of a committee to organise county courts, be read, and, On motion

Ordered that the same be concurred in.— And Messrs. Harrison and Polke were appointed that committee.—

On motion Ordered that the bill from the L. C. attaching part of the county of Knox to the county of Washington be read the first time now.—and the second time on tuesday next.—[*]

On motion Ordered that the bill for the relief of the several collectors of the Indiana Territory be taken up and read the first time now.—and

On motion Ordered that the same be read the second time on wednesday next.—

On motion Ordered that the House adjourn till two O.clock this afternoon.—

Two O. clock, P. M. House met pursuant to adjournment

On motion Ordered that the bill from the L. C. entitled An Act to amend the act entitled an act establishing circuit courts was taken up and read the second time and ordered to be referred to a committee of the whole and made the order of the day for monday next.—

On motion Ordered that the engrossed resolution for the relief of John Weaver administrator of Elijah Sparks Decd. be taken up and read the third time An[d]

On the question shall this resolution pass, It was determined in the affirmative,

Ordered that the clerk inform the L. C. thereof and ask their concurrence therein

On motion Ordered that the bill for the relief of the Heirs of Nathaniel Claypoole Decd. &c.[*] was read the second time And

Ordered that the same be referred to a committee of the whole House and made the order of the day for wednesday next.—

On motion The House according to leave given &c resolved itself into a committee of the whole on the memorial to congress respecting a state Government Mr. Wilkinson in the chair, And after some time spent therein Mr. Speaker reported that the committee had according to order had the said memorial under consideration had made some amendments thereto which he handed in at the clerks table where they were again read and concurred in by the House

On motion of Mr. Polke that the further consideration of said memorial be postponed till next session. The yeas and nays being demanded Those who voted in the affirmative are Messrs. Beggs, Boone, Clark Polk Smith Those who voted in the negative are messrs Ferris Golay Harrison Holman Mount Wilkinson Pennington.— And so it was determined in the negative

On motion, Ordered that the same be engrossed for a third reading on monday next.

On motion, The House resolved itself into a committee of the whole on the bill to prevent swindling, Mr. Boone in the chair, and after some time spent therein Mr. Speaker resumed the chair and Mr. Boone reported that the committee had according[*] to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table reported progress and asked leave to sit again, leave granted

On motion Ordered that the House adjourn till monday morning nine O.clock.—

Monday morning 11th December 1815

House met pursuant to adjournment

Mr. Golay asked leave to bring in a bill to incorporate the trustees of the seminary of Vevay and, thereupon leave being granted Mr. Golay brought in a bill for that purpose which was read the first time, And ordered to be read the second time on wednesday next.[10]—

Mr. Ferris from the committee appointed for that purpose, to wit on the subject of the proposed lottery for the benefit of the Literary Society of Vevay reported that in the opinion of said committee the prayer of the petitioners ought not to be granted and—

On motion Ordered that the House concur in the said report.[11]—

Mr. Wilkinson from the committee to whom was referred the petition and remonstrance of sundry inhabitants of Posey county relative to the removal of the seat of Justice of said county, reported a bill for the removal of the seat of Justice of said county[*] which was read the first time and

Ordered to be read the second time on Wednesday next.—

[10] For a description of the Vevay Seminary, see Dufour, *Swiss Settlement of Switzerland County,* 355.

[11] Lotteries had previously been authorized to raise money for Vincennes University (1806) and the Vincennes Library (1810). Philbrick (ed.), *Laws, 1801-9,* p. 183; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 105-6.

Mr. Polke laid before the House, The petition of the trustees of the borough of Vincennes praying an amendment in the act incorporating the said town of Vincennes

Ordered that the same be referred to a select committee with leave to report thereon by bill or otherwise.

Mr. Clark laid before the House the petition of Aaron Harbard and others praying for the formation of a new county out of the counties of Knox and Gibson, and remonstrating against petitioners for a county in the forks of White river which was read And ordered to lie on the table

On motion Ordered that a committee be appointed to draft a memorial to congress praying a relief to mechanics manufacturers and merchants from fines and penalties for infractions of the revenue laws of the United States[12] and Messrs Ferris and Harrison were appointed that committee

The Speaker laid before the House the petition of Joseph Shields which was read And Ordered to be referred to the committee on the subject of education

Mr. Harrison from the committee appointed for that purpose reported a bill in amendment to the act respecting grist mills and millers which was read the first time and Ordered to be read the second time on tomorrow.—

Mr. Clark laid before the House the petition of sundry inhabitants of Washington county praying a division of the same. Ordered that said petition be referred to the committee to whom

[12] Penalties incurred under act of January 18, 1815, laying a tax on various articles manufactured in the United States. U. S. *Statutes at Large,* 3:180-86. Nothing more is mentioned in the Journal in regard to this matter until December 15, when "the memorial to Congress on the subject of mechanics and manufacturers" passed third reading. *Post,* 865. It was passed by the Council and declared enrolled. The text, taken from the Senate files, is given in Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 814-15. It was presented in the Senate on January 2, 1816 and referred to the Committee on Finance and a Uniform Currency. On March 14 the committee was discharged from further consideration. *Annals of Congress,* 14 Congress, 1 session, 31, 194. Correspondence relative to it from the Secretary of the Treasury, the Commissioner of the Revenue, and Allan D. Thom, collector for Indiana Territory, is given in Carter (ed.), *Territorial Papers,* 8: 375-79. Thom's record book of collections in 1814 is in the Archives Division, Indiana State Library.

was referred the petition[*] of sundry other inhabitants of said county praying also a division of the same

On motion Ordered that the petition of Daniel French be referred to a select committee with leave to report thereon by bill or otherwise and thereupon Messrs Clark and Ferris were appointed that committee

On motion Ordered That the bill allowing a compensation to Grand Jurors be read the second time—referred to a committee of the whole House and made the order of the day for tomorrow.—

A message from the Legislative council by Mr. Sullivan their Secretary Mr Speaker the L. C. have passed a memorial to the President of the U. S. for the relief of the militia of this Territory who have rendered service under the orders of the general Government or of the governor of this Territory, in which they request the concurrence of this House.—[13]

On motion Ordered that the bill amendatory to the several laws on the subject of Ferries be read the Second time and ordered to be referred to a committee of the whole House and made the order of the day for Thursday next.—

On motion Ordered That the joint resolution from the L. C. for printing the journals of this Legislature be read the second time and referred to a committee of the whole House and made the order of the day for Thursday next.—[*]

On motion Ordered That the bill concerning insane persons be read the second time and referred to a committee of the whole on thursday next—

On motion Ordered That the engrossed memorial to congress on the state Government be read the third time and referred to a committee of the whole House and made the order of thi day

An[d] On motion The House according to order resolved itself into a committee of the whole on the said memorial Mr Smith in the chair and after having spent some time therein Mr. Speaker resumed the chair and Mr. Smith reported that the committee had according to order had the said memorial under

[13] The text of this memorial has not been found.

consideration had made some amendments to the same— And after reporting progress asked leave to set again—leave granted.

On motion The House adjourned till three Oclock this afternoon

Three oclock P. M. House met pursuant to adjournment.

On motion Ordered that the bill to attach part of Gibson County to the county of Posey be taken up and read the second time—referred to a committee of the whole and made the order of the day for tomorrow.

On motion Ordered That the bill for the formation of a new county out of the county of Knox[*] be taken up and read the second time and Ordered to be referred to a committee of the whole and made the order of the day for thursday next.—

On motion Ordered that the House do now resolve itself into a committee of the whole on the memorial to Congress on the subject of a State Government Mr. Boone in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Boone reported, That the committee had according to order had the said memorial under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House.—

And on the question shall this memorial pass The yeas and nays being demanded, Those who voted in the affirmative are Messrs. Ferris Holman Harrison Golay Wilkinson Mount Pennington Speaker

Those who voted in the negative are Messrs Boone, Beggs, Clark, Smith, Polk.—and so it was determined in the affirmative Ordered that the clk inform the council thereof

Mr. Clark laid before the House the memorial of the Society called Friends, which was read, referred to a select committee with leave to report thereon by bill or otherwise. And Messrs. Ferris and Holman were that committee

On motion The House resolved itself into a committee of the whole on the bill respecting circuit[*] courts, Mr. Boone in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Boone reported that the committee had accord-

ing to order had the same under consideration—reported progress and asked leave to sit again leave granted,

House adjourned till 9 O clock tomorrow.

Tuesday morning, 12th December 1815.—

House met pursuant to adjournment,

Mr. Ferris from the committee appointed on that subject, reported a bill for the relief of the Society of friends called Quakers which was read the first [time] and ordered that the same be read the second time on tomorrow,

Mr. Ferris from the committee appointed on the petition and memorial of Joseph Shields reported that in the opinion of the committee the prayer of the petitioner ought not to be granted. And the House concurred in the report

Mr. Ferris asked leave to bring in a bill reviving certain former laws of this Territory on the subject of elections and repealing all other laws on that subject and thereupon leave being granted said bill was brought in and read the first time—

Ordered to be read the second time tomorrow.—[*]

Mr. Golay asked leave to bring in a bill regulating marriages and thereupon leave being granted the said bill was brought—read the first time and ordered to be read the second time to-morrow.—

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The L. C. have passed the joint resolution from this House for the relief of John Weaver administrator &c of Elijah Sparks deceased with an amendment, in which they request the concurence of this House.—

And the House concurred accordingly—Clerk informed the L. C. thereof.—

On motion Ordered that the bill repealing the several laws on the subject of certiorari, be read the second time, and referred to a committee of the whole House and made the order of the day for tomorrow

On motion Ordered That the joint resolution respecting the residence of the Governor be taken up and read the second time and ordered to be read the third time And On the Question shall

this bill pass—The yeas and Nays being demanded, Those who voted in the affirmative are Messrs. Clark, Holman, Polke, Wilkinson Pennington Speaker. Those who voted in the negative are Messrs. Beggs, Boone, Ferris, Golay, Harrison, Mount Smith —And so it was determined in the negative—[*]

On motion Ordered that the bill to attach a part of the county of Knox to the county of Washington be read the second time referred to a committee of the whole House and made the order of the day for Wednesday week.—

On motion Ordered that the bill on the subject of Grist mills and millers be read the second time referred to a committee of the whole and made the order of the day for Friday next.—

On motion Ordered that the bill for the removal of th seat of Government be read the second time referred to a committee of the whole and made the order of the day for Saturday next.—

On motion Ordered that the memorial to the President of the United States on the subject of the militia of this Territory who have rendered service during the late war be read and on motion

Ordered that the same be concurred in, and the clerk informed the L. C. thereof.—

On motion The House resolved itself into a committee of the whole on the bill allowing compensation to grand jurors Mr. Holman in the chair And after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported That the committee had according to order had the same under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House [*] And On motion Ordered that the said bill be indefinitely postponed.—

On motion Ordered that the House concur in the amendment of the L. C. in [regard] to the memorial of this House to congress on the subject of a State Government Ordered that the clerk make out three copies of the same and transmit them one to the Speaker of the House of representatives, one to the President of the Senate, and one to our delegate in congress

On motion The House resolved itself into a committee of the whole on the bill from the L. C. to attach part of the county of Gibson to the county of Posey Mr. Mount in the chair, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Mount reported, that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House

House adjourned till three Oclock P. M.

Three Oclock P. M. House met pursuant to adjournment.—

On motion Ordered That the bill attaching a part of Gibson county to the county of Posey be read the third time and on the question shall this bill pass, It was determined in the affirmative[*]

Mr. Ferris asked leave to bring in a bill supplementary to the act entitled an act respecting executions which was read the first time and ordered to be read the second time on Saturday next.

Mr. Clark laid before the House the Petition of sundry inhabitants of Washington county praying a division of said county together with a bill accompanying the same for the formation o a new county out of the counties of Washington and Jefferson which was read the first time and ordered to be read the second time on Saturday next.[14]

On motion The House resolved itself into a committee of the whole on the bill concerning insane persons Mr. Mount in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Mount reported that the committee had according to order had the said bill under consideration, had made some progress therein and the same he handed in at the clerks table, and asked leave to sit again—leave granted.—

On motion The House resolved itself into a committee of the whole, on the bill for the relief of George Corn and others Mr. Polk in the chair and after some time spent therein, Mr. Speaker resumed the chair and Mr. Polke reported; That the committee had according to order had the said bill under con-

[14] This bill provided for the creation of Jackson County.

sideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House.—[*]

On motion Ordered that the said bill be postponed indefinitely.—

House adjourned till tomorrow morning

Wednesday morning 13th December 1815.

House met pursuant to adjournment.

The Speaker laid before the House a statement of taxes due from the county of Gibson—also a statement of fines due from said county since the tenth day of May 1813.—Amounting in all to $489.68¼.

Mr. Holman from the committee appointed for that purpose reported a bill for the removal of the seat of Justice of Wayne county to Centerville in said County which was read the first time and ordered to be read the second time tomorrow,

Mr. Ferris from the committee on so much of the Governors communication as relates to the revision of the laws of this Territory, reported, that having in prospect a state Government at a period not distant such a measure at this time would be inexpedient—report concurred in by the House

Mr. Harrison asked leave to bring in a bill to prevent counterfeiting and forgery.—Which was read the first time and ordered to be read the second time tomorrow[*]

Mr. Ferris having obtained leave for that purpose brought in a bill authorising the erection of a bridge over Hogan in the vicinity of Decatur in Dearborn county which was read the first time and

Ordered to be read the second time on Friday next,

Mr. Polke from the committee appointed for that purpose reported a bill to amend the act to incorporate the borough of Vincennes, which was read the first time and ordered to be read the second time on Saturday next,

On motion The House resolved itself into a committee of the whole on the bill respecting circuit courts Mr. Holman in the

chair, and after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported That the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House except the amendment as follows to wit "And be it further enacted, that so much of the seventh section of this act respecting the practice in the circuit courts, and courts of appeals approved September tenth eighteen hundred and fourteen, that makes it the duty of the sheriff, in the several counties of this Territory, to summon Petit jurors, previous to the setting of any court o record within this Territory be and the same is hereby repealed."—

House adjourned till 3 P M[*]

Three O. Clock P. M. House met—

On motion The House now resolved itself into a committee of the whole on the bill to prevent swindling Mr. Polke in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Polke reported, that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House

On motion Ordered that the said bill be engrossed for a third reading tomorrow.—

On motion The House resolved itself into a committee of the whole on the bill from the L. C. repealing the several laws in this Territory allowing writs of certiorari Mr. Golay in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr Golay reported that the committee had according to order had the said bill under consideration had made no amendments to the same and

On motion Ordered that the same be read the third time which was done and the said bill passed—the yeas and nays being demanded Those who voted in the affirmative are Messrs. Beggs Boone, Clark, Ferris, Golay, Harrison, Holman, Mount Smith, Wilkinson, Pennington Speaker—Mr. Polke voted in the negative[*]

On motion Ordered that the bill on the subject of elections

be taken up and read the second time and Ordered to be engrossed for a third reading on Saturday next,

On motion Ordered the bill for the relief of the society of friends called Quakers be read the second time referred to a committee of the whole House and made the order of the day for Friday next,

On motion Ordered that the bill for the relief of the Heirs of Nathaniel Claypoole and others be read the second time and on motion ordered that the same be read as engrossed the third time and passed and the clk informed the L. C.

On motion the House resolved itself into a committee of the whole on the bill to encourage the Killing of wolves &c Mr. Beggs in the chair and after some time spent therein, Mr. Speaker resumed the chair and Mr. Beggs reported, that the committee according to order had had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House—And on motion Ordered that said bill be indefinitely postponed

On motion Ordered that the bill on the subject of militia be read the second time referred to a committee of the whole for Saturday next—[*]

On motion Ordered that the bill to extend the ju[r]isdiction of the justices of the Peace be read the second time, referred to a committee of the whole House and made the order of the day for Monday next.—

On motion Ordered that the bill for the formation of a new county out of the counties of Washington and Jefferson be taken up and read the second time—referred to a committee of the whole House and made the order of the day for tomorrow

On motion Ordered that the bill for the relief of collectors &c be taken up and read the second time and referred to a committee of the whole House and made the order of the day for Saturday next

On motion Ordered that the House adjourn till tomorrow morning.—

Thursday morning 14th December 1815.—

House met pursuant to adjournment—

On motion Ordered that the engrossed bill on the subject of swindling be read the third time, which was done and the said bill passed, clk informed L. C.

A message from the L. C. by Mr. Sullivan their secretary Mr. Speaker The L. C. have concurred in the amend[*] ments of this House to the bill concerning circuit courts— Have also passed bill on the subject of roads and highways in which they request the concurrence of this House—they have also passed a joint resolution respecting printing the laws of this session and have appointed Messrs Noble and Johnson a joint committee on their part—request a similar one on the part of this House and a concurrence in said resolution. concurred in. Messrs. Harrison & Beggs appd. com.

Mr. Harrison from the committee of Inrolled bills reported that the committee had compared the engrossed with the Inrolled bills in the following cases to wit a triplicate memorial to congress on the subject of a state government—a joint resolution for the relief of John Weaver administrator &c. of Elijah Sparks Deceased, also "An act to repeal the several laws of the Indiana Territory authorising the Judges of the circuit courts, in term time, and the said Judges in vacation to issue writs of certiorari."—and had found said memorial resolution and bill duly Inrolled.

Mr. Beggs laid before the House certain documents relative to the malfeasance, misfeasance and nonfeasance in office of the clerk of Clark county referred to a select committee of Messrs. Beggs Ferris and Harrison[15]

[15] Isaac Shelby was clerk of Clark County. A nephew of Isaac Shelby, hero of King's Mountain and governor of Kentucky, he came to Clark County in 1800 and settled near Springville. He served as county recorder from September 17, 1802, until his resignation some time prior to March 8, 1806. He was commissioned county surveyor on December 21, 1805. On January 21, 1811, he was commissioned clerk and recorder of Clark County, succeeding Samuel Gwathmey, and continued in this office under the state government. He was a prosperous farmer and merchant, and aided materially in the building of the town of Charlestown. In 1845 he and his family moved to Lafayette, Missouri. *History of Ohio Falls Cities and Their Counties,* 2: 478.

On motion Ordered that William Hendricks be appointed on the part of this House to prosecute any impeachment which may be instituted and carryed on by this House against the said Clerk of Clark county for "mal administration or corruption in his office."—[*]

A message from the Legislative council by Mr. Sullivan their Secretary Mr. Speaker The President of the L. C. has signed a triplicate memorial to congress on the subject of a State Government—also a joint resolution for the relief of John Weaver administrator &c of the estate of Elijah Sparks Decd. also an act to repeal the several laws of the Indiana Territory, authorising the Judges of the circuit courts in term time and the said Judges in vacation to issue writs of certiorari.—

On motion The House resolved itself into a committee of the whole on the bill concerning insane persons Mr. Beggs in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Beggs reported that the committee had according to order had the said bill under consideration had made some amendments to the same had instructed him to report progress and ask leave to sit again.—leave granted

On motion Ordered that the bill regulating marriages b taken up and read the second time—referred to a select committee of Messrs. Golay Mount and Wilkinson

On motion Ordered that the House resolve itself into a com. of the whole on the Joint resolution from the L. C. on the subject of printing the Journals of both Houses during the present session Mr. Polke in the chair and after some time spent therein[*] Mr. Speaker resumed the chair and Mr. Polke reported that the committee had according to order had the said bill under consideration —had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House.—And On the question shall this bill pass, The yeas & nays being demanded those who voted in the affirmative are Messrs. Ferris, Mount, Holman. Those who voted in the negative are Messrs Beggs, Boone, Clark Golay, Harrison Polke Smith Wilkinson, Pennington Speaker

On motion Ordered That the bill to prevent counterfeiting

and forgery be read the second time—referred to a committee of the whole House and made the order of the day for monday next.—

On motion Ordered that the bill for the removal of the seat of Justice of Wayne county be read the second time—referred to a committee of the whole House and made the order of the day for tomorrow.—

On motion Ordered that the House adjourn till two O. clock P. M.

Two O. clock P. M. House met pursuant to adjournment.

On motion Ordered That the House resolve itself into a committee of the whole on the bill for the formation of a new county out of the[*] counties of Washington and Jefferson, Mr. Smith in the chair, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Smith reported that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and the House concurred accordingly

A Message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The L. C. have passed a bill for the formation of a new county out of the counties of Knox, Washington, Harrison & Gibson in which they request the concurrence of this House[16]

On motion Ordered that the House adjourn till tomorrow morning nine O. clock

Friday morning [December 15] nine O clock

House met pursuant to adjournment.—

Mr. Harrison from the committee of Inrolled bills reported that the committee &c had examined the bill entitled An act to attach part of the county of Gibson to Posey County, and have found the same duly Inrolled.[*]

On motion Ordered that the memorial to congress on the subject of Mechanics and manufacturers be taken up and read the third time and passed

16 This bill provided for the creation of Orange County. As finally passed it did not affect Harrison County.

On motion Ordered that the bill [for the] formation of a new county out the counties of Washington and Jefferson be read the third time and passed, clk informed the L. C. thereof.—

A messa^e from the L. C. by Mr Sullivan their Secretary. Mr. Speaker The President of the L. C. has signed a bill entitled "An Act to attach part of Gibson county to the county of Posey"—also a memorial to congress for the relief of Mechanics and Manufacturers.—

On motion Ordered That the House resolve itself into a committee of the whole on the bill for the formation of a new county out of the county of Knox. Mr. Mount in the chair, and after having spent some time in the same Mr. Speaker resumed the chair and Mr. Mount reported, That the committee had according to order had the said bill under consideration, had made some amendments to the same—instructed him to report progress and ask the leave of this House to sit again,—leave granted.—

On motion the House resolved itself into a committee of the whole on the bill respecting Ferries Mr. Boone in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Boone reported That the committee had according to order had the said bill under consideration, had made[*] some amendments to the same, which he handed in at the clerks table where they were again read and concurred in by the House, and the said bill passed

On motion Ordered that the bill for the erection of a bridge over Hogan in Dearborn county be taken up and read the second time—

Ordered to be engrossed for a third reading on Monday next.—

On motion Ordered that the joint resolution from the L. C. on the subject of a road on the line dividing the State of Ohio, and the Indiana Territory be concurred in by this House.—

On motion The House resolved itself into a committee of the whole on the bill for the removal of the seat of Justice of Wayne county Mr. Golay in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Golay reported that the committee had according to order had the said bill under

consideration had made some progress therein and asked leave to sit again, leave gran[t]ed

On motion Ordered that the bill from the L. C. for the formation of a new county out of the counties of Washington Harrison Gibson and Knox, be taken up and read the first time —referred to a committee of the whole House and made the order of the day for tomorrow.—[*]

On motion Ordered that the bill from the L. C. respecting roads and highways be taken up and read the first time—ordered that the same be read the second time on tuesday next.—

On motion The House resolved itself into a committee of the whole on the bill to remove the seat of Justice of Wayne county from Salisbury to Centerville Mr. Smith in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Smith reported that the committee had according to order had the said bill under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House,

And on the question shall this bill be indefinitely postponed The yeas and nays being demanded, Those who voted in the affirmative are Messrs. Beggs, Boone Ferris, Golay, Harrison Mount, Polke, Pennington, Speaker.—Those who voted in the negative are Messrs Clark, Holman, Smith Wilkinson.

And so it was determined in the affirmative

On motion The House resolved itself into a committee of the whole on the bill for the removal of the county seat of Posey county Mr Holman in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported, that the committee had according to order had[*] said bill under consideration had made some amendments thereto which he handed in at the clerks table where they were again read and concurred in by the House

And On the question, shall this bill be indefinitely postponed— The yeas and nays being called for, Those who voted for the affirmative are Messrs. Beggs, Boone, Ferris, Golay, Harrison, Mount, Polke, Pennington Speaker.—Those who voted in the

negative are Messrs. Clark, Holman, Smith, Wilkinson, and so it was determined in the affirmative.—

On motion Ordered that the house concur in the amendments of the L. C. to the bill for the formation of a new county out of the counties of Washington and Jefferson, and the House concurred in the amendments save one in the fifth section of said bill to wit. "the House of John Ketchum." on which amendment the House requests a committee of conference and on their part have appointed Mr. Harrison.—Ordered that the clerk inform the L. C. thereof.—

And the House adjourned till tomorrow morning.[*]

Saturday morning 16th Decer. 1815

House met pursuant to adjournment.—

Mr. Harrison from the committee of Inrolled bills reported, that the committee had compared the engrossed with the Inrolled bills in the following cases to wit "A triplicate memorial to con gress for the relief of Mechanic[s] and Manufacturers who may have infracted the revenue laws, a bill concerning circuit courts. A joint resolution on the subject of a road on the line dividing this Territory from the State of Ohio, an act for the formation of a new county out of the counties of Washington and Jefferson[17] —also a An act for the relief of Nathaniel Claypoole and others" and had found said bills and said memorial duly Inrolled.— whereupon the speaker signed the same & clerk informed L. C.

Mr. Harrison from the committee of conference on the bill for the formation of a new county out of the counties of Washington and Jefferson reported. That the committee had agreed that the L. C. recede from their amendment on which the disagreement of the House exists.—

The House concurred in said report.

A message from the L. C. by Mr. Sullivan their Secretary.

Mr. Speaker The L. C. have concurred in the report of the committee of conference on the bill for the formation of a new county out of the counties of Washington and Jefferson and

17 This entry is out of order as the two houses had not yet reached an agreement on amendments to the bill.

recede from their amendments to the fifth section of the bill, The L. C. have also passed the bill from this House on the subject of Ferries with some amendmendments to which they request the concurrence of this House, also a memorial to congress asking leave for Davis Floyd and his associates, upon leave given by the Indians to work[*] a salt spring in the Indian Country,[18] also have passed a bill, to amend the several acts providing for the assessment and appropriation of fines in all of which they request the concurrence of this House.—

On motion Ordered that the House concur in amendments of the L. C. to the bill for the formation of a new county out of the counties of Washington and Jefferson all but the amendment as aforesaid to the fifth section in which they disagree with the L. C. and request a committee of conference, and on the part of this House appointed Mr. Harrison.—Ordered that the clerk inform the L. C. thereof[19]

Mr. Ferris from the committee appointed for that purpose reported as follows to wit.—Mr. Speaker Your committee appointed to enquire into the documents submitted to this House respecting the official conduct of Isaac Shelby clerk of Clark county beg leave to report the following facts, That from an examination of the same being chiefly fee bills, it is the opinion of your committee, that they are extravagant and not warranted by law, that they are not written at full length as the law directs, and that from comparing one of the charges, with a document to which your committee has had access there is an overcharge of about ten sheets of a transcript of a record, your committee viewing the time and expense attending impeachments and a change of Government not far distant, when the commissions of all officers will expire,[*] submit to this House the propriety or impropriety of preferring at this time articles of impeachment against the said Isaac Shelby.—

[18] This memorial was voted down in the House, then reconsidered and passed. *Post,* 884, 897. The committee to whom it was referred in the U. S. House of Representatives reported unfavorably on it and the House concurred. *Annals of Congress,* 14 Congress, 1 session, 803. The complete committee report is given in Carter (ed.), *Territorial Papers,* 8: 381.

[19] This entry is a repetition of the one that appears on page 868.

On motion Ordered that the said documents relative to charges aforesaid against the said Isaac Shelby be read.—and, On motion

Ordered That a committee be appointed to prefer articles of impeachment against the said Isaac Shelby and Messrs. Ferris, Harrison, Clark and Beggs were appointed that committee

Mr. Harrison having obtained leave brought in a bill, directing the manner of bringing suit against clerks and prothonotaries which was read the first & second time and referred to a committee of the whole House and made the order of the day for monday next.—

Mr. Clark from the committee appointed for that purpose reported a bill for the relief of Daniel French which was read the first time and ordered to be read the second time on tuesday next.—

Mr. Harrison from the committee appointed for that purpose reported that the joint committee had agreed with Jacob Rhoads editor of the Western Eagle to print, stitch and distribute the laws of this session at the following rates to wit $1.25. per page for printing four cents per copy for stitching and $100. for distributing and the same to perform on or before the twentieth day of March next and that the committee had taken his bond with sufficient security for his full performance in the premises.—[*]

Mr. Holman having obtained leave brought in a bill for the appointment of commissioners to fix the seat of Justice for Wayne county, which was read the first time and ordered to be read the second time on Monday next.—

On motion Ordered that the House resolve itself into a committee of the whole on the bill for the formation of a new county out of the counties of Washington Harrison Gibson & Knox, Mr Holman in the chair and after some time therein Mr. Speaker resumed the chair and Mr. Holman reported that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House whereupon the said bill was read the third time and passed.—

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The President of the L. C. has signed a bill for the

formation of a new county out of the counties of Washington & Jefferson, a memorial to the President of the United States on the subject of the militia of this Territory who have rendered service during the war, an act for the relief of the Heirs of Nathaniel Claypoole and others, A joint resolution relative to the road on the line dividing this Territory and the state of Ohio, An Act to amend the act entitled an act establishing circuit courts, also a memorial to congress praying relief for Mechanics and Manufacturers &c.[*]

On motion The House resolved itself into a committee of the whole on the bill for the relief of the several sheriffs and collectors Mr. Wilkinson in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr Wilkinson reported that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House and

On motion Ordered that the same be read the third time and passed.—and then the House adjourned till monday morning

Monday Morning 18th Decr. 1815.

House met pursuant to adjournment—

A message from the L. C. by Mr. Sullivan their secretary Mr. Speaker The L. C. have passed a bill making certain specific appropriations, and request the concurrence of this House. Also an act from this House for the prevention of swindling with some amendments, which they wish concurred in

On motion The House resolved itself into a committee of the whole on the bill for the removal of the seat of Government, Mr. Mount in the chair and after some time spent therein, Mr. Speaker resumed the chair and Mr. Mount reported, That the committee had according to order had the said bill under consideration, had made some progress therein and instructed him to ask leave to sit again. leave granted[*]

On motion Ordered That the House resolve itself into a committee of the whole on the bill to extend the Jurisdiction of Justices of the peace Mr. Holman in the chair and after some

time spent therein Mr. Speaker resumed the chair and Mr. Holman reported that the committee had according to order had the said bill under consideration, had made some amendments to the same, had directed him to report progress and instructed him to ask leave to sit again.—Leave granted.—

A message from the Legislative council by Mr. Sullivan their Secretary, Mr. Speaker, The L. C. have passed a resolution to prohibit the introduction of any bill by any member of either House after tuesday next—also a bill making further provisions on the subject of school sections, in which they request the concurrence of this House

On motion The House resolved itself into a committee of the whole on the bill to incorporate the trustees of the seminary of Vevay Mr. Beggs in the chair and after some time spent therein, Mr. Speaker resumed the chair and Mr. Beggs reported that the committee had according to order had the said bill under consideration had made some amendments to the same, had inst[r]ucted him to report progress and ask leave to sit again, leave granted[*][20]

On motion Ordered that the bill amendatory to the act incorporating the borough of Vincennes be taken up and read the second time—referred to a committee of the whole House and made the order of the day for Wednesday next

On motion Ordered that this House concur in the resolution from the Legislative council prohibiting the introduction of bills into either House be concurred in, and the clerk informed the L. C. thereof

Mr. Golay laid before the House a statement of the census from the county of Switserland amounting to 1832.

On motion Ordered that the bill to appoint commissioners to fix the seat of Justice of Wayne be taken up and read the second time—referred to a committee of the whole and made the order of the day for Thursday next.

On motion The House resolved itself into a committee of the whole on the bill to prevent counterfeiting and forgery Mr. Ferris

20 No further mention is made of this bill in the Journal until it was reported back amended by the Council. *Post,* 886. Its further consideration in the committee of the whole and its passage are recorded on pages 887-88.

in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Ferris reported that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House. Ordere[d] that the same be engrossed for a third read[ing] tomorrow.

On motion Ordered that the House concur in the amendments of the L. C. to the bill to prevent swindling all but the fifth section which was disagreed to, [*] and Mr. Ferris appointed a committee of conference on the part of this House, and the clk informed the Legislative council thereof

The Speaker laid before the House the remonstrance of sundry inhabitants of the county of Gibson against the removal of the seat of justice of said county from Princeton to Columbia—also the census of Gibson County amounting to 5330. also the petition of Willis E. Brown & others, praying to be incorporated a Literary Society.

Said documents were ordered to lie on the table

On motion Ordered that the Hogan bridge bill be read the third time and on the question shall this bill pass it was determined in the negative.—

A message from the L. C. by Mr Sullivan their secretary Mr. Speaker, The L. C. have appointed a joint committee on their part and request a similar committee on the part of this House on the subject of certain petitions from the counties of Franklin and Wayne—Have appointed Mr. Noble on their part, also on the disagreement of the Houses on the subject of swindling

On motion—Ordered that Messrs Mount & Holman be appointed that Joint committee on the part of this House

Mr. Ferris from the committee of conference on the disagreement of the Houses as to the[*] fifth section of the bill to prevent swindling reported that the committee had agreed that the L. C. should recede from the fifth section of said bill and the House concurred in said report.—

On motion Ordered That the bill from the L. C. on the

subject of school sections be read the first time & ordered to be read the second time tomorrow.—

On motion Ordered that the bill from the L. C. on the subject of the assessment and appropriation of fines be read the first time now and the second time tomorrow.

On motion Ordered that the bill amendatory to the several laws on the subject of execution be read the second time now—referred to a committee of the whole House and made the order of the day for Wednesday next,

On motion ordered that the House adjourn till tomorrow.

Tuesday morning 19th December 1815.—

House met pursuant to adjournment.—

On motion Ordered that the House reconsidered their vote of yesterday evening on the Hogan bridge bill[*][21]

Mr. Holman having obtained leave for that purpose introduced a bill to incorporate the town of Salisbury in the county of Wayne.—Which was read the first time and ordered to be read the second time tomorrow.

Mr. Beggs having obtained leave introduced a bill for the relief of Martin Huckleberry coroner of Clark county Which was read the first time now—and ordered to be read the second time tomorrow.—

Mr. Harrison from the committee appointed for that purpose reported as follows, "Your committee to whom was referred the petitions of sundry inhabitants of Jefferson county, praying for a new county to be formed out of said county, and the remonstrance of sundry inhabitants of the said county, remonstrating against any division report it is inexpedient at this time, to grant the prayer of the petitioners for a new county," and the House concurred in said report.

Mr. Ferris having obtained leave introduced a bill for the purpose of raising an additional revenue for the use of this Territory which bill was read the first time and ordered to be read the second time to morrow.

21 No further action of the House on the bill is recorded, but that same afternoon it was passed by the Council. See *post,* 878.

Message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker The L. C. have passed a bill for the regulation of the town of Lexington Indiana Territory, The L. C. have also concurred in the amendments made by this House to the bill for the relief of sheriffs and collectors all but the amendments to the first section of said bill—On which they request a committee of conference and[*] have on their part appointed Mr. Manwarring and thereupon this House appointed Mr. Ferris on their part a committee of conference on said bill.—

Mr. Beggs from the committee appointed for that purpose exhibited articles of impeachment (prepared to lay before the L. C.) against Isaac Shelby clerk of the Clark circuit for the county of Clark which were approved of by the House,

Ordered that the clerk inform the L. C. thereof, and that the said articles be preferred before the L. C. at a time which they shall be requested to signify to this House—Ordered that Messrs. Beggs, Ferris & Clark be appointed managers on the part of this House,

Mr. Golay from the select committee to whom was referred the bill regulating marriages reported said bill with some amendments, and the same were ordered to lie on the table—

Mr. Holman having obtained leave, introduced a bill to incorporate the town of Centerville in the county of Wayne which was ordered to be read the first time now, and the second time tomorrow,

Mr. Ferris having obtained leave, introduced a bill to incorporate the town of Lawrenceburgh in the county of Dearborn which was read the first time now, and ordered to be read the second time tomorrow,[*]

Mr. Wilkinson having obtained leave for that purpose, introduced "a bill supplementary to the several acts authorising the courts of record, and the Judges in vacation, to issue writs of Habeas corpus."

Said bill was read the first time and Ordered to be read the second time tomorrow.—

On motion The House resolved itself into a committee of the whole on the bill for the removal of the seat of Government, Mr.

Mount in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr Mount reported,—That the committee had according to order had the said bill under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read, had instructed him to report progress and ask leave to sit again, leave granted.

A message from the L. C. by Mr Sullivan their Secretary Mr Speaker, the L. C. have come to the following resolution to wit "Resolved that the Secretary of of this House do inform the House of Representatives, that this House will on tomorrow, at three of the clock P. M. [consider] the articles of impeachment, against Isaac Shelby clerk of the circuit court, of Clark County, stated to have been found or prepared, by the House of Representatives through their managers and prosecutor." The joint committee on the petitions from the counties of Franklin & Wayne respecting a division of said counties have had a conference and the committee on the part of the[*] Legislative council have reported that it would be inexpedient at this Time to grant the prayer of the petitioners and that the Legislative council had concurred in said report.

On motion Ordered That the House adjourn till three O clock this afternoon.—

Three oclock P. M. House met pursuant to adjournment

Mr. Ferris from the committee of conference on the bill for the relief of sheriffs and collectors reported that the committees had conferred, and had agreed, that this House recede from their amen[dmen]ts to the said bill on which the disagreement between the Houses existed—And the House concurred in said report.—

Mr Harrison having obtained leave introduced a bill to incorporate the Town of Madison in the county of Jefferson, Which was read the first time and ordered to be read the second time now, referred to a committee of the whole and made the order of the day for Wednesday next.—

Mr. Mount from the joint committee on the subject of the new county contemplated to be formed out of the counties of Franklin and Wayne reported that in the opinion of the commit-

tee the prayer of the petitioners ought not to be granted, and the House concurred in said report.—[*]

Mr. Ferris having obtained leave brought in a bill supplementary to the act for the erection of a toll bridge over Tanners Creek in the vicinity of Lawrenceburgh in the county of Dearborn which bill was read the first time and second time and ordered to be engrossed for a third reading tomorrow.—

Mr. Beggs having obtained leave for that purpose introduced a bill to dissolve the marriage contract of Rebecca Johnson with her husband Shepherd J. Johnson.—

On motion Ordered that the same be read which was done the first second and third times and passed, and the clk. informed the Legislative council thereof

On motion Ordered that the engrossed bill to prevent counterfeiting and Forgery be taken up and read the third time, and the said bill was afterwards referred to a select committee of Messrs Ferris & Harrison.—

On motion The House resolved itself into a committee of the whole on the bill for the removal of the seat of Government from the Town of Corydon Mr. Mount in the chair and after some time spent therein Mr. Speaker resumed the chair & Mr. Mount reported, That the committee had according to order had the said bill under consideration, had made some amendments to the[*] same which he handed in at the clerks table where they were again read and concurred in by the House.—

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker, The L. C. have passed a resolution on the subject of Ferries in which they request the concurrence of this House,[22] they have also negatived the bill from this House "to dissolve the marriage of Rebecca Johnson with her husband Shepherd J Johnson."—

On motion Ordered that the bill for the removal of the seat of government be considered as engrossed read the third time now, and

On the question shall this bill pass, it was determined in the negative, The yeas and nays being demanded, Those who voted

[22] This is the only mention of this resolution in the Journal.

in the affirmative are Messrs Beggs Clark Holman Mount, Smith, Those who voted in the negative are Messrs Boone Ferris, Golay, Harrison, Polke Wilkinson Pennington Speaker, and so it was determined in the negative

On motion The House resolved itself into a committee of the whole on the bill concerning insane persons Mr. Holman in the chair, and after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported, that the committee had according to order had the said bill under consideration, had made some amendments to the same which were handed in at the clerks table where they were again read and concurred in by the House.— to be engrossed for tomorrow[*]

A message from the Legislative council by Mr. Sullivan their Secretary, Mr. Speaker The L. C. have passed a bill for the regulation of the town of Vevay—also—a bill for the erection of a bridge over Hogan in the vicinity of Decatur in the county of Dearborn,

On motion Ordered that the bill to regulate marriages be read the second time recommitted to a committee of the whole and made the order of the day for Thursday next,—

On motion, Ordered that the bill for the regulation of the town of Vevay be taken up and read the first time and ordered to be read the second time tomorrow.—

On motion Ordered that the bill from the bill from the L. C. regulating the town of Lexington be taken up and read the first time now and the second time on thursday next—

On motion Ordered that the bill for the relief of Daniel French be taken up and read the second time now, and engrossed for a third reading on thursday next.—

On motion Ordered that the bill for the assessment and collection of fines be taken up and read the second time now, and the third time on Friday next.—[*]

Mr. Beggs having obtained leave introduced a bill supplementary to the several acts on the subject of listing of lands, which was read the first time now, & ordered to be read the second time tomorrow,

On motion, Ordered that the bill on the subject of roads

and highways be taken up and read second time—referred to a committee of the whole House and made the order of the day for Friday next.—

On motion Ordered that the bill on the subject of school sections be taken up and read the second time and, indefinitely postponed.—

On motion House adjourned till nine oclock tomorrow.

Wednesday morning 20th Decr. 1815—

House met pursuant to adjournment.—

Mr Harrison from the committee of Inrolled bills reported that the committee had compared the engrossed with the Inrolled bills in the following cases to wit "An act to prevent swindling. An act supplementary to the act regulating Ferries" and had found the same duly Inrolled, Where upon the Speaker signed the same and the clerk informed the L. C. thereof

On motion the House resolved itself into a committee of the whole on the bill to extend the Jurisdiction of Justices of the peace Mr. Boone in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Boone reported that the committee had according to order had the said bill under consid[*] eration, had made some amendments to the same which he handed in at the clerks table, where they were again read and concurred in by the House.—

A message from the Governor by his private secretary Mr. Thom. Mr. Speaker, I am instructed by the governor to inform this House, that he did on the 18th instant approve and sign "An act for the formation of a new county out of the counties of Washington & Jefferson," "Als[o] a joint resolution for the relief of John Weaver administrator & Elisa Sparks administratrix of Elijah Sparks deceased."

A message from the L. C. by Mr. Sullivan their secretary Mr. Speaker, The President of the L. C. has signed "an act to prevent swindling, an act supplementary to an act regulating Ferries and an act supplementary thereunto."—

On motion The House resolved itself into a committee of the whole on the bill for the formation of a new county out of the

county of Knox Mr. Ferris in the chair and after some time spent therein Mr. Speaker resumed the chair, and Mr. Ferris reported That the committee had according to order had the said bill under consideration had made some amendments to the same,[*] which he handed in at the clerks table where they were again read and concurred in by the House.—and said bill passed

A message from the L. C. by Mr. Sullivan their Secretary, Mr. Speaker The Gove[r]nor by his private Secretary Mr. Thom, has informed the L. C. that he did on the 18th instant approve and sign "An Act, to amend the act entitled an act establishing Circuit Courts.—An Act to attach part of the county of Gibson to Posey County, An act to repeal the several laws of the Indiana Territory, authorising the Judges of the circuit courts in term time and the Judges thereof in vacation to issue writs of certiorari, A joint resolution of the Legislative council and House of Representatives"[23]—

On motion Ordered that the engrossed bill supplementary to the the bill for the erection of a bridge over Tanners creek &c be taken up and read the third time now, and said bill passed

On motion Ordered that the engrossed bill for the relief of Daniel French be read, and passed, and the clerk informed the L C thereof

On motion Ordered that the engrossed bill concerning insane persons be taken up and read the third time and the said bill on its final passage was passed & the clerk informed the L C thereof

On motion Ordered that the bill to incorporate the town of Centerville in the county of Wayne be read referred to a committee of the whole and made the order of the day for tomorrow.—[*]

On motion Ordered that the bill supplementary to the several acts authorising writs of Habeas Corpus be taken up and read the second time and ordered to be engrossed for a third reading tomorrow.—

On motion Ordered that the bill to incorporate the town of

[23] This was probably the resolution regarding the projected road on the Ohio-Indiana boundary which was approved December 18, 1815.

Lawrenceburgh be read the second time and engrossed for a third reading tomorrow.—

Ordered that the House adjn. till three Oclock this afternoon.

Three O clock P. M. House met &c

Mr. Harrison from the committee of Inrolled bills reported, that the committee had examined the inrolled bill for the relief of Sheriffs and collectors of Franklin and Clark counties and had found the same duly Inrolled, when the speaker signed the same and the clerk informed the L. C. thereof—

On motion Ordered That the bill to incorporate the town of Salisbury be taken up and read the second [time]—refer[r]ed to a committee of the whole Hous[e] and made the order of the day for tomorrow

On motion Ordered that the bill to incorporate the town of Vevay, be read the second time—referred to a committee of the whole House and made the[*] order of the day for tomorrow.

On motion Ordered that the bill for the relief of Martin Huckleberry be taken up and read the second time—and engrossed for a third reading tomorrow.—

On motion Ordered that the bill legalising the proceedings of the Washington circuit court be taken up and read the second time, referred to a committee of the whole House and made the order of the day for tomorrow.[24]—

A message from the L. C. by Mr Sullivan their Secretary—Mr. Speaker The President of the L. C. has signed the bill for the relief of the sheriffs and collectors in the counties of Franklin and Clark.

On motion Ordered that the bill to raise an additional revenue be taken up and read the second time—referred to a committee of the whole House and made the order of the day for Friday next.—

On motion Ordered that the bill to incorporate Vincennes be taken up and read the second time, and engrossed for a third reading tomorrow.—

[24] This is the first mention of this bill in the Journal. It probably originated in the Council, since there is no record of it being carried to the Council for its approval.

On motion Ordered that the House adjourn till tomorrow, morning, [*]

Thursday Morning nine O clock 21st. December 1815—

On motion Ordered that the engrossed bill extending the Jurisdiction of the Justices of the Peace, be taken up and read the third time—And ordered that the same do pass and the clerk informed the L. C. thereof

On motion Ordered that the engrossed bill to amend the act to incorporate the borough of Vincennes be taken up and read the third time, Ordered that the same do pass and that the title be "An Act to amend the act entitled an act to incorporate the borough of Vincennes."—

On motion. The House resolved itself into a committee of the whole on the bill to incorporate the town of Vevay Mr. Holman in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported that the committee had according to order, had the said bill under consideration had made some amendments to the same which he handed in at the clerks table, Where they were concurred in by the House—said bill passed, and the clk informed the L. C. thereof.—

Mr. Beggs from the committee appointed as managers to conduct an impeachment—against Isaac Shelby clerk of the Clark circuit, before the L. C. reported that the committee had according to order preferred articles of impeachment with which they were furnished by this House against the said Isaac Shelby before the Legislative council, to which articles of impeachment the said Isaac Shelby by his counsel obje[c]ted as not being sufficiently specific of the charges ther[e]in[*] contained, and not such as in law he the said Isaac Shelby ought to be called upon to answer—that thereupon the L. C. sitting as a grand inquest and high court of impeachment, having seen heard and inspected the premises—it was considered that the charges in the articles aforesaid were not sufficiently specific and not such as the defendant could be called upon in law to answer—Therefore it was considered that the objections afd. be sustained and that the said Isaac Shelby go [free] thereof without day &c.—

A message from the L. C. by Mr. Sullivan their Secretary.— Mr. Speaker, The L. C. have passed the bill from this House entitled "An act supplementary to the act authorising the erection of a bridge over Tanners Creek, in the Vicinity of Lawrenceburgh Dearborn county."—

On motion, The House resolved itself into a committee of the whole on the bill to incorporate the town of Salisbury Mr. Polke in the chair and after some time spent therein Mr. Speaker resumed the chair & Mr. Polke reported that the committee had according to order had the said bill under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House— ordered that the same be engrossed for a third reading on to-morrow.—

On motion Ordered That the engrossed bill for the incorporating [of] the town of Lawrenceburgh, be read, again committed to a committee of the whole House and made the order of this day.[*]

On motion The House again resolved itself into a committee of the whole on the bill to incorporate the town of Lawrenceburgh Mr. Harrison in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Harrison reported that the committee had according to order had the said bill under consideration had made some amendments to the same, which he handed in at the clerks table where they were again read and concurred in by the House.—and the said bill was again read and passed—and ordered that the title be An act &c.

On motion Ordered that the bill for the relief of Martin Huckleberry be read the third time, the same being engrossed and on the question shall this bill pass, it was determined in the affirmative. Ordered that the title be "An act &c." and the clerk informed the L. C. thereof.—

Mr. Harrison from the committee of Inrolled bills reported that said committee having inspected the bill for the erection of a bridge over Hogan creek in the vicinity of Dacatur Dearborn county, & had found the same duly Inrolled when the speaker signed the same and the clerk informed the L. C. thereof

On motion Ordered That the bill reviving certain election laws be taken up and read the the third time Ordered that the further consideration of the same be postponed till tomorrow.

Ordered That the memorial to Congress asking leave for Davis Floyd and his associates upon leave given by the Indians to work a salt spring on the Indian land be taken up and read, and on motion to concur in the same—Ordered that the same be negatived.[*]

On motion Ordered that the bill from the L. C. regulating the town of Lexington be read the second time—referred to a committee of the whole and made the order of the day for to-morrow.—

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker the President of the L. C. has signed the bill for the erection of a bridge over Hogan creek in the vicinity of Decatur Dearborn county

On motion The House resolved itself into a committee of [the whole] on the bill for attaching a part of Knox county to the county of Washington Mr Ferris in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Ferris reported, that the committee had according to order had the said bill under consideration, had made no amendments to the same, and the House concurred in said report, and the said bill was indefinitely postponed

On motion Ordered That the House resolve itself into a committee of the whole on the bill to incorporate the town of Centerville Mr. Beggs in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Beggs reported, that the committee had according to order had the said bill under consideration, had made some amendments to the same, which he handed in at the clerks table where they were again read and concurred in by the House, Ordered that the same be engrossed for a third reading tomorrow.—[*]

On motion Ordered that the House resolve itself into a committee of the whole on the bill concerning exe[c]utions Mr. Polke in the Chair and after some time spent therein Mr. Speaker resumed the Chair and Mr Polke reported that the committee

had according to order had the said bill under consideration, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House—Ordered that the said bill be indefinitely postponed.—

Ordered that the bill supplementary to the several laws respecting the listing of lands be taken up and read the second time now. And be engrossed for a third on saturday next.—

Mr Ferris from the committee appointed for that purpose reported the bill regulating marriages with several amendments—ordered that the same be engrossed for a third reading on saturday next

On motion Ordered that the House resolve itself into a committee of the whole on the bill to legalise the proceedings of the Washington circuit court Mr. Wilkinson in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Wilkinson reported, that the committee had considered said bill, had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House[*]

A message from the L. C. by Mr. Sullivan their Secretary. Mr. Speaker the L. C. have passed the bill from this House "To extend the Jurisdiction of Justices of the Peace with some amendments in which they request the concurrence of this House—have also passed an act for the relief of Daniel French—also an act to incorporate the town of Lawrenceburg in the county of Dearborn without amendments, also an act for the relief of Martin Huckleberry coroner of Clark County—The L. C. have concurred in the amendments of this House to the bill regulating the town of Vevay"

And the House adjourned till tomorrow Morning—

Friday Morning nine oclock [December 22]

House met pursuant to adjournment

On motion Ordered That the House proceed to consider the amendts. of the L. C. to the bill extending the Jurisdiction of the Justices of the peace, which was done and the same concurred in

Mr. Harrison from the committee of Inrolled bills reported that the said committee had inspected the Inrolled bill for the formation of a new county out of the counties Washington Gibson and Knox and had found the same duly Inrolled

On motion the House resolved itself into a committee of the whole on the bill from the L. C. respecting roads and Highways Mr. Smith in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Smith reported that the committee had[*] according to order had the said bill under consideration had made some progress therein and had instructed him to ask leave to sit again.—Leave granted.—

A message from the L. C. by Mr. Sullivan their Secry. Mr. Speaker, The L. C. have disagreed to the amendments of this House to the bill for the formation of a new county out of the counties of Gibson and Knox—The President of the L. C. has signed the bill entitled an act for the formation of a new county out of the counties of Knox Washington and Gibson. The L. C. has passed a bill respecting negroes and persons of color,—The L. C. has also passed a bill from this House concerning insane persons also a bill entitled "an Act to amend an Act to incorporate the borough of Vincennes" to the two latter of which they have made some amendments in which they request the concurrence—That on the disagreement of the Houses They request a committee of conference, and on their part have appointed Mr. Johnson and

Thereupon on motion ordered that Mr. Smith be appointed on the part of this House on the disagreement of the Houses on the bill for the formation of a new county out of the count[i]es of Gibson and Knox

On mo. ordered that the House concur in the amendments of the L. C. on the bill to incorporate the trustees of the seminary of Vevay.—[*]

On motion Ordered that the Engrossed bill supplementary to the several acts and laws regulating the listing of lands be read the third time, and the further consideration of the same be postponed till this afternoon.—

On motion Ordered That this House concur in the amend-

ments of the Legislative Council to the bill to amend the act entitled an act to incorporate the Borough of Vincennes.—

On motion Ordered That the House concur in the amendments of the L. C. to the bill concerning insane persons.

On motion The House resolved itself into a committee of the whole on the bill to raise an additional revenue Mr. Harrison in the Chair and after some time spent therein Mr. Speaker resumed the chair and Mr Harrison reported that the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House

Ordered that the said bill be recommitted to a select committee of Messrs. Ferris Clark Harrison and Polke.—

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker, The L. C. have concurred in the report of their committee of conference on the bill for the formation of a new county out of the counties of Knox and Gibson.—[*]

On motion Ordered that the bill from the L. C. apportioning the members to the next general assembly of this Territory be taken up and read the first and second times—referred to a committee of the whole House and made the Order of this day.—

On motion Ordered that the bill regulating the assessment and appropriation of fines be read the third time and passed and the clerk informed the L. C. thereof.—

On motion The House resolved itself into a committee of the whole on the bill to regulate the town of Lexington Mr. Polke in the chair, and after some time spent therein Mr. Speaker resumed the chair and Mr. Polke reported that the committee had according to order considered said bill had made no amendments to the same, which report was concurred in by the House.

On motion The House resolved itself into a committee of the whole on the bill to incorporate the trustees of the seminary of Vevay Mr. Harrison in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Harrison reported that the committee had according to order had under consideration the said bill had made no amendments to the same, in

which report the House concurred—Ordered that the said bill be considered as engrossed and read the third time and passed.—[*]

Mr. Smith from the committee of conference on on the bill for the formation of a new county out of the county of Knox and the county of Gibson reported that the committee had agreed that this House adhere to their amendments to said bill and that the L. C. adhere to the original bill and the House concurred in said report.—

On motion The House resolved itself into a committee of the whole on the bill concerning mills and millers Mr. Beggs in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Beggs reported that the committee had according to order had the said bill under consideration had made no amendments to the same and the House concurred in said report

Ordered that the same be considered as engrossed—read the third time and passed.—and the clerk informed the L. C. thereof—

On motion Ordered that the bill from the L. C. respecting negroes and persons of color was taken up and read the first time, Ordered to be read the second time to morrow.—

On motion ordered That the House proceed further to consider the election bill.—Which bill was read the third time and passed and the clerk informed the L. C. thereof.[25]—

Mr. Beggs from the committee for that purpose reported further articles of impeachment against Isaac Shelby clerk of Clark county, which were concurred in and ordered to be preferred before the L. C.

House adjourned.[*]

Saturday morning 23rd. Decr. 1815.—

House met pursuant to adjournment.—

Mr. Harrison from the committee of Inrolled bills reported That the committee had compared the engrossed with the Inrolled bills in the following instances to wit. "An Act for the regulation of the Town of Vevay, An Act to amend the several acts

25 No record of action by the Council on this bill is recorded in this Journal. The only other mention is of the Governor's signing it. *Post,* 902.

providing for the assessment and appropriation of fines.—An Act Legalising the proceedings of the Washington circuit court, for the county of Washington and had found the same duly Inrolled.—also an act, for the regulation of the Town of Lexington, an act supplementary to the act entitled an act authorising the erection of a bridge over Tanners creek, in the vicinity of Lawrenceburgh.—An act for the relief of Martin Huckleberry coroner of Clark county.—An act concerning insane persons.—An act to incorporate the trustees of the Seminary of Vevay.—an act for the incorporation of the Town of Lawrenceburgh also an act concerning elections [in] Dearborn county Indiana Territory."[26]—and had found said Bill duly Inrolled—The Speaker signed the same and the clerk informed the L C thereof On motion Ordered that the House reconsider their vote on the articles of impeachment which were on yesterday ordered to be preferred against Isaac Shelby clerk of Clark county and ordered to be laid before the L. C. on the question will the House now concur in the articles aforesaid—

The yeas and Nays being demanded, those who[*] voted in the affirmative are Messrs. Beggs Clark, Golay Holman Pennington.—Those who voted in the negative are Messrs Boone, Ferris, Harrison, Mount, Polke, Smith Wilkinson—and so it was determined in the negative

Mr. Harrison from the committee to whom was referred the bill "to prevent counterfeiting and forgery" reported the same without amendment ordered that the same be read the third time and passed and the clerk informed the L. C. thereof

On motion Ordered That the engrossed bill supplementary to the several acts and laws on the subject of listing lands &c be taken up and read the third time. and negatived.—

On motion Ordered That the engrossed bill regulating the Town of Centerville be read third time and passed and the clk informed the L C thereof

Ordered that the title be "An Act &c

On motion ordered That the bill incorporating the Town

[26] This is the only mention of "an act concerning elections in Dearborn county" in this Journal, and no such act appears in the session laws. The entry may refer to the bill regulating elections in general.

of Salisbury be taken up and read the third time & passed and that the title be "An Act &c

Th[e] clerk informed the L C thereof

On motion Ordered That the bill from the L. C. respecting negroes and persons of color be read the second time—referred to a committee of the whole and made the order of this day[*]

On motion The House resolved itself into a committee of the whole on the bill more effectually to prevent slavery and relieve the Territory from partial slavery Mr. Holman in the chair And after some time spent therein Mr. Speaker resumed the chair and Mr. Holman reported That the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House and said bill was read the third time and passed

The yeas and Nays being demanded Those who voted in the affirmative are Messrs. Beggs Clark Clark Ferris Golay Harrison Holman Mount, Pennington Speaker [*] Those who voted in the negative are Messrs Boone Polke Smith Wilkinson. And so it was determined in the affirmative and the clerk informed the L C thereof

A message from the L C by Mr Sullivan their Secretary Mr. Speaker The President of the L. C. has signed the following acts to wit "An act for the relief of Martin Huckleberry, An act supplementary to the act for the erection of a bridge over Tanners creek in the vicinity of Lawrenceburgh, An act to incorporate the Town of Lexington, An act to incorporate the Town of Vevay. An act directing the assessment and appropriation of fines, An act Legalising the proceedings of the Washington circuit court. The L C have passed An act to incorporate the Town of Centerville, An act to incorporate the Town of Salisbury with amendments An Act respecting counterfeiting and forgery with amendments" the latter from this House to which amendments they request the concurrence of this House

On motion Ordered that this House concur in the amendments of the L. C. to the bill concerning mills and millers

On motion Ordered That the House concur in the amendments of the L C to the bill to prevent swindling.

A message from the L C—by Mr Sullivan their Secretary Mr. Speaker The L. C. have disagreed to the amendments of this House to the bill More effe[c]tually to prevent slavery &c request a committee of conference and have on their part appointed Messrs Johnson and Noble.—and thereupon Messrs Harrison and Ferris were appointed on the part of this House

On motion Ordered that the bill from the L. C. concerning clerks be taken up and read the first & second time—referred to a committee of the whole House and made the order of this day

On motion The House resolved itself into a committee of the whole on the bill concerning clerks Mr. Boone in the chair and after some time spent therein Mr Speaker resumed the chair and Mr. Boone reported that the committee had according to order had the[*] said bill under consideration had made some amendments to the same had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House.

Ordered to be read the third time this afternoon

And the House adjourned till three oclock this afternoon.—

Three oclock P. M. House met pursuant to adjournment

On motion Ordered That the House resolve itself into a committee of the whole on the bill directing the manner of bringing suits against Clerks or Prothonotaries Mr. Wilkinson in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Wilkinson reported, That the committee had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House Ordered that said bill be considered as engrossed, read a third time and passed and the clerk informed the L C thereof

Ordered that the title be "an act &c.

On motion The House resolved itself into a committee of the whole on the bill respecting roads and highways Mr. Mount in the chair and having spent some time therein Mr Speaker re-

sumed the chair[*] and Mr. Mount reported That the committee had considered said bill made amendments thereto which he handed in at the clerks table where they were again read and concurred in by the House—Ordered that said bill be read the third time and passed The yeas and Nays being demanded on the final passage of said bill Those who voted in the affirmative are Messrs. Beggs, Clark, Ferris, Golay Harrison Mount Polke 7. Those who voted in the negative are Messrs Boone Holman Smith Wilkinson Pennington Speaker and so it was determined in the affirmative, and the clerk informed the L C. thereof.—

On motion Ordered That the House resolve itself into a committee of the whole on the bill for fixing the seat of Justice in the county of Wayne Mr. Harrison in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Harrison reported that the committee had considered said bill amended the same which amendments were concurred in by the House, and said bill indefinitely postponed.—

On motion ordered that the engrossed bill amendatory to the several acts authorising writs of Habeas corpus be read the third time and passed and the clerk informed the L C thereof[*][27]

On motion the House resolved itself into a committee of the whole on the apportionment bill Mr. Golay in the Chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Golay reported That the committee had considered said bill, made some progress therein and directed him to ask leave to sit again—leave granted

Ordered that a select committee be appointed to report the number of free male inhabitants in the different counties and report an apportionment for the representation and Messrs Ferris Harrison Clarke Beggs and Polke, were appointed that committee.

House adjourned till 9 O.clock.—

Monday morning 25th December 1815

House met pursuant to adjournment

Mr. Harrison from the committee of Inrolled bills reported that the committee had inspected the following Inrolled bills to

[27] This is the last mention of this bill in the Journal.

wit, "An act for the incorporation of the Town of Lawrenceburgh, An act for the relief of Daniel French, An act to incorporate the Town of Centerville, An act concerning mills and millers An act supplementary to the act for the incorporation of the Town of Vincennes, An act to extend the Jurisdiction of Justices of the peace An act to incorporate the Town of Salisbury, An act regulating roads[*] and highways" and had found the same duly Inrolled

Mr. Ferris having obtained leave reported a resolution for the relief of Dennis Pennington which was read and concurred in by the House. Clerk informed the Legislative council thereof

On motion Ordered that the bill from the L. C. concerning clerks be taken up and read the third time and passed and the clerk informed the L C thereof.—

On motion Ordered that Mr. Beggs have leave to withdraw from the files of this House the documents on which the charges exhibited against Isaac Shelby clerk of the Clark circuit court were founded

Mr. Polke laid before the House a statement of the Territorial taxes due from the county of Knox for the year 1814 amounting to $697.90. Ordered that the same lie on the table

Mr. Ferris from the committee appointed to report the number of free male male inhabitants in this Territory reported that the committee had attended to the duties assign[ed] them, had found the number of free male inhabitants to be 12111 as per the census &c and therewith reported an amendment to the bill now before this House apportioning the members to the next Legislature and the House concurred in said report

Ordered that the bill apportioning the members to the House of Representatives be read the third time, and on the question shall this bill pass

Those who voted in the affirmative are Messrs

Beggs	Harrison
Clark	Holman
Ferris	Mount,
Golay	Polke
	Pennington Speaker

Those who voted in the negative are Messrs.

Boone
Smith
Wilkinson.—[*]

On motion Ordered that the bill to raise an additional revenue be recommitted to a committee of the whole House and made the order of this day

On motion the House resolved itself into a committee of the whole on the bill to raise an additional revenue Mr. Smith in the chair And after some time spent therein Mr. Speaker resumed the chair and Mr. Smith reported, That the committee had accord-ing to order had the said bill under consideration, had made no a amendments to the same—to which report the House concurred Ordered that the same be referred to a select committee of Messrs Ferris, Harrison, & Polke

On motion Ordered that Messrs Boone & Clark wer[e] added to that committee

A message from the L. C. by Mr. Sullivan their Secret[ar]y.—Mr. Speaker The President of the L. C. has signed a bill for the inco[r]poration of the Town of Centerville, An act for the relief of Daniel French, An act to prevent counterfeiting and Forgery, An act supplementary to the act inco[r]porating the Borough of Vincennes An act to extend the Jurisdiction of Justices of the peace, An act to incorporate the Town of Salisbury An act regu-lating roads and highways An act concerning mills and millers.—The L. C have concurred in the resolution from this House for the relief of Dennis Pennington, The L. C. have disagreed to the amendments made by this House to the bill apportioning the mem-bers to the House of Representatives—Request a committee of conference and have appointed on their part Messrs Noble and Johnston as managers.—[*]

On motion Ordered that the act from the L C fixing the times of holding courts in the several counties of this Territory be taken up and read the first & second times refered to a com. of the whole and made the order of this day &

On motion The House resolved itself into a com. of the whole on the said bill Mr. Beggs in the chair and after some time

spent therein Mr. Speaker resumed the Chair and Mr. Beggs reported That the com. had according to order had the said bill under consideration had made some amendments to the same which he handed in at the clerks table where they were again read and concurred in by the House.—and the said bill was read the third time and passed,

On motion Ordered that Messrs. Holman Golay Beggs & Boone be a com[mittee] of conference on the part of this House on the bill apportioning the members to the House of Representatives.—

On motion Ordered that the House come to the following Resolution.—

Resolved by the Legislative council & House of Representatives, that the printer of the laws of this Territory be directed to print together with the acts of this session the act of the United States prescribing the manner of recovering negroes, and persons of color fleeing from Justice or service and that the clerk of this House, be directed to furnish him with a copy thereof.—

The clerk informed the L C. thereof[*]

On motion Ordered that the bill regulating marriages be read the third time, and passed, and the clerk informed the L C thereof.—[28]

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker. The L. C. have disagreed to the amendments of this House to the bill fixing the time of holding courts &c.—request a com. of conference and have on their part appointed Mr. Johnson as manager and Messrs Clark & Polke were appo[i]nted that com-[m]ittee

On motion Ordered that, the bill for the relief of the society of friends commonly called Quakers be read the third time, and the same was negatived

On motion Ordered that the com. of Inrolled bills be instructed to give the same to James Noble to lay before the Governor.—

On motion Ordered that the bill making certain specific

[28] No further mention of this measure appears in the Journal.

appropriations be taken up and read the second time, and ordered to lie on the table.—

A message from the L. C. by Mr Sullivan their Secretary Mr. Speaker the L. C. have disagreed to the resolution from this House on the subject of printing the laws of the United States relative to the recapture by their owners of fugitives from labor—[*]

On motion Ordered that the specific appropriation bill be taken up and read the third time and passed and the clerk informed the L C thereof

On motion The House resolved itself into a committee of the whole on the bill reorganising the militia Mr. Wilkinson in the chair and after some time spent therein Mr. Speaker resumed the chair and Mr. Wilkinson reported that the com. had according to order had the said bill under consideration had made no amendment to the same.

And the House concurred in said report, The further consideration of the same was postponed till the first monday in Decr. next—

Mr. Harrison laid before the House certain documents of John Daniels of Jefferson county Relative to his application for a divorce which documents were referred to a select com. of Messrs. Harrison & Holman

Mr. Harrison from the com. appd. for that purpose repd. that the com. had examined the books of the Treasurers office as fully as their other engagements would permit, that they had compared the redeemed warrants with the report of the Treasurer and find the report correct, They further state that they did not examine all the calculations of interest thereon nor the several additions necessary to a full investigation for want of time but from the inspection made generally into the[*] state of the office they have not discovered any thing to make them doubt the correctness of the report made to this House

The Honble. Dennis Pennington Speaker of this House absent Mr. Golay was called to the chair as Speaker pro. tem.

Mr. Harrison from the committee of Inrolled bills reported

that the com. had inspected the resolution for the relief of Dennis Pennington and had found the same duly Inrolled When the Speaker signed the same and the clerk informed the L C thereof

The Honble. Dennis Pennington Speaker present

Mr. Ferris from the select com. on the bill to raise an additional revenue, reported the same without amendment when the same was read the third time and on the question shall this bill pass. The yeas and nays being demanded Those who voted in the affirmative are Messrs Clark Ferris Holman Mount Pennington Speaker Those who voted in the negative are Messrs Beggs, Boone, Golay, Harrison, Polke Smith Wilkinson and so it was determined in the negative[*]

On motion The House resolved itself into a committee of the whole on the bill to incorporate the town of Madison Mr. Boone in the chair and after some time spent therein Mr Speaker resumed the chair and Mr. Boone repd. that the com. had considered s[ai]d bill amended the same and the Hous[e] concured in the report— said bill was read the third time and passed, Ordered that the title be "An act to divorce the Marriage of John Daniels with Ma[r]y Daniels formerly Ma[r]y Bu[r]ge and for other purposes"—[29]

On motion Ordered That the House reconsider their vote on the memorial on behalf of Davis Floyd which was done and the memorial concurred in—clerk inform the L C. thereof

On motion Mr. Boone has leave of absence for the remaining part of this session.

House adjourned till tomorrow morning

Tuesday morning 26th De[c]r. 1815

House met pursuant to adjournment

Mr. Harrison having obtained leave brought forward a resolution for the relief of John Vawter

[29] Apparently the clerk slipped in this paragraph and omitted part of the proceedings or else the amendment struck out the original bill and substituted the divorce bill in its place. The bill to incorporate the town of Madison does not appear among the session laws.

A message from the L C by Mr. Sullivan their Secretary Mr. Speaker The L. C. have disagreed to the report of their committee of conference on the bill apportioning the members to the House of Representatives, also the report of their com[m]ittee of conference on the bill fixing the times of holding courts &c. have passed the bill from this House to dissolve the marriage of John Daniels & Mary Daniels formerly Mary Burge with some amendments in Which they request the concurrence of this House; and the House concurred accordingly.—[*]

Mr. Polke from the committee of conference on the bill bill [*] fixing the time of holding courts reported that the L C recede from their objections and this House adhere to their amendments —and the House concurred in said report

A message from the L. C. by Mr. Sullivan their Secretary Mr. Speaker the L. C. have passed the resolution for the relief of John Vawter with some amendments— Also a resolution authorising the trustees of the borough of Vincennes to levy and collect additional taxes, also that Mr. Manwaring is added to the com of In. bills. —On motion the H of R. concurred in said report

Mr. Harrison from the committee of Inrolled bills reported that the committee had inspected a Joint resolution of both Houses for the relief of Col. John Vawter and had found the same duly Inrolled also a resolution authorising the trustees of the borough of Vincennes to levy and collect an additional tax also an act concerning clerks and had found said bills duly Inrolled, Whereupon the Speaker signed the same and the clerk informed the L. C. thereof.—

A message from the L C by Mr. Sullivan their Secry. Mr. Speaker the President has signed the following Inrolled bills to wit An act concerning clerks a Joint resolution, A joint resolution authorising the trustees of the borough of Vincennes to levy and collect an additional tax An act to dissolve the marriage of John Daniels with Mary Daniels his wife formerly Mary Burge and have found the same duly Inrolled[*]

Mr. Ferris having obtained leave for that purpose introduced a rosolution approving of the official conduct of Thomas Posey

Governor of this Territo[r]y which was approved of and adopted.—[30]

On motion Ordered that Mr Ferris have leave of absence during the present session.—

On motion Ordered that Mr. Mount have leave of absence during the remainder of the present session.—

On motion Ordered that the committee of Inrolled bills be instructed to deliver the same to Solomon Manwaring and that he the said Solomon Manwaring be instructed to lay them before his excellency the Governor for his approbation

On motion Ordered that Mr. Holman have leave of absence during the balance of this session

Mr Harrison from the com. of Inrolled bills reported that the com. had inspected the following Inrolled bills to wit "An act fixing the times of holding courts in the counties herein named"

[30] The following resolution from the House to the Governor is taken from Esarey (ed.), *Messages and Letters,* 2:710-11.

"To his Excellency Thomas Posey, Governor of the Indiana Territory

"Sir: The House of Representatives, owing to your absence at the opening of the present session of the Legislature, were prevented from making a formal answer to your written communication: They now take the opportunity of informing your Excellency, that they highly approbate the measures you were pleased to recommend; but owing to the prospects of going into a State Government shortly, they have thought proper to postpone the consideration of some of the subjects recommended, until the next session of the Legislature; and wishing to express the sentiments of esteem and respect which they feel towards your Excellency, before they are dissolved as a legislative body, the last, perhaps, that will act as such during our Territorial existence, they cannot refrain from declaring their perfect approbation of your official conduct as Governor of this Territory. During your administration, Sir, many then existing evils have been remedied; and we particularly admire the calm, dispassionate, impartial conduct of your administration, which has produced the salutary effect of quieting the violence of party spirit, harmonizing the interest as well as feelings of the different parts of the Territory; and under your auspices, we have become as one people. We cordially wish renovated health, domestic happiness, and public applause, which you so justly merit, may accompany your future days, and be the reward of a life devoted to your country's service.

"Dennis Pennington
"Speaker of the House of Representatives"

"An act, making certain specific appropriations" when the Speaker signed the same and the clerk informed the L C thereof.—[*]

A message from the L. C. by Mr. Sullivan their Secry. Mr Speaker The L. C. have passed the resolution from this House allowing a compensation to William Hendricks Which was concurred in by this House and is as follows—to wit.—[31]

"A Joint resolution of both Houses

Resolved by the Legislative council and House of Representatives That Davis Floyd Treasurer be and he is hereby authorised, to audit to William Hendricks the sum of ten dollars for his services as prosecutor, on the part of the House of Representatives of articles of impeachment by the said House of Representatives preferred before the Legislative Council, against Isaac Shelby clerk of the Clark circuit court."—

A message from the L. C. by Mr Sullivan their Secreta[r]y Mr Speaker The President has signed The "Act making certain specific appropriations. An act fixing the times of holding courts in the counties hereinafter named"

And the House adjourned till tomorrow morning ten O clock.—[*]

Wednesday morning ten O. clock A. M. 27th December 1815.—

House met pursuant to adjournment—

Mr. Harrison having obtained leave for that purpose brought forward a resolution relative to the good order and safe keeping of the journals records and papers of the House of Representatives. —in which the House concurred, and the clk informed the L. C. thereof

Mr. Smith having obtained leave introduced a resolution allowing Elisabeth Spencer a further allowance of ten dollars for candles and injury done the House occupied by the Legislature this Session.—

Which was concurred in by the House.—

clk. informed &c.

A message from the L C by Mr. Sullivan their Secry. Mr.

31 This is the first mention of this resolution in this Journal. It does not appear among the printed acts of this session.

Speaker— The L. C. have concured in the joint resolution from this House for the relief of Elisabeth Spencer, also a joint resolution respecting the safe keeping of the journals records &c of the House of Representatives with some amendments in which they request the concurrence of this House

and the House concurred accordingly

Which resolution as amended by the L. C. is as follows to wit.—[*]

"A Joint Resolution

Resolved by the Legislative Council and House of Representatives, that the committee of ways and means be instructed, to contract with some person, to examine into the situation, of the records Journals and papers, of the House of Representatives, and if necessary to arrange, file, and indorse them in proper order, and also to have the papers and documents of both Houses, and the cases trunks and other repositories thereof sufficiently and safely secure."—

A message from the L. C. by Mr Sullivan their Secry. Mr Speaker The L. C. have appointed Mr. Johnson an additional member to the committee of Inrolled bills.—[*]

Mr. Harrison from the committee of Inrolled bills reported that the committee had inspected the following Inrolled bills to wit, "A joint resolution for the relief of Elisabeth Spencer.—A triplicate memorial to congress p[r]aying that Davis Floyd and his associate on leave being granted by the chiefs of the Delaware tribe of Indians be permitted to work a salt spring on the Indian land."—and had found the same duly Inrolled.—

Whereupon the Speaker signed the same and the clerk informed the L. C. thereof.—

A message &c Mr. Sullivan Secry. of the L C. informed this House, That the President of the L. C. has signed the following Inrolled bills to wit "A joint resolution for the relief of Elisabeth Spencer, A triplicate memorial to congress on behalf of Davis Floyd" &c.—

And then the House adjourned till tomorrow morning 7 Oclock.—[*]

Thursday morning 28th December 1815.—

House met pursuant to adjournment

A message from the Governor by his private secretary Davis Floyd Mr. Speaker The Governor as I am instru[c]ted to inform this House did approve and sign on the 27th. instant "An act concerning insane persons An act extending the jurisdiction of Justices of the peace An act for the incorporation of the Town of Lawrenceburg Dearborn county Indiana Territory. —An act for the regulation of the Town of Salisbury An act to amend the act entitled an act regulating Grist mills and millers.—An act for the relief of Martin Huckleberry coroner of Clark county An act to amend the act entitled an act to incorporate the borough of Vincennes. An act supplementary to an act to establish ferries, and an act supplementary thereunto.— An act authorising the erection of a bridge over Hogan Creek in the vicinity of Decatur Dearborn county. An act to inco[r]porate the trustees of the Seminary of Vevay. An act to prevent swindling An act supplementary to the act authorising the erection of a bridge over Tanners creek An act regulating elections An act regulating the Town of Centerville An act to prevent counterfeiting and forgery An act for the relief of Daniel French An act to dissolve the marriage of John Daniels with Mary Daniels formerly Mary Burge—A resolution for the relief of Dennis Pennington a joint resolution of both Houses"[*]

Mr. Golay having obtained leave for that purpose introduced A resolution repealing a j[oint] resolution of the Legislature approved Sept. 8th 1814.[32] and the House concurred in the same.—

On motion Ordered that Mr. Golay be added to the committee of Inrolled bills.—

The Speaker laid before this House a reply of his excellency to an address of this House recently presented. Which was read . . .[33] Mr. Sulliv[an] the Secry. of the L C informed this

32 Respecting the printing of private laws. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 587.

33 The Governor's reply is given in Esarey (ed.), *Messages and Letters,* 2: 711-12. It reads as follows:

House That the L. C. had concured in the joint resolution from this House

Mr. Golay from the com. of Inrolled bills reported That said com. had inspected "A joint resolution from this House and had found the same duly Inrolled"

Whereupon the Speaker signed the same &c

A Message Mr Sullivan Secry. of the L. C. informed this House That the Pres. of L. C. had signed a joint resolution and that the L C had adjourned without day

Mr. Clark from the com. of ways and means repd. that the com. had agreed with Dennis Pennington to file indorse and regulate the papers of both Houses—agreeably to a resolution of both Houses[*]

The House adjourned sine die.—

"Mr. Speaker, and Gentlemen of the House of Representatives of the Indiana Territory:

"The address of your House, delivered by your committee, Messrs. Ferris and Holman, I receive with unspeakable pleasure, and deem it to have a place among the most consoling event of my life. Yes, gentlemen, the approbation of so respectable a body, relative to my administration, will make an impression upon my mind that can only be eradicated by a dissolution of my existence in this life. But while life remains, and I continue in the reputable station which I hold, you shall always find me devoted to render to the citizens of our Territory all the faithful services which are committed to my charge, and made my duty to administer.

"The probability is, that we shall shortly take a stand as a state, and add one more brilliant star to the Union of our beloved country; and let my station be as it may, whether public or private it shall be devoted to do all the good I can to serve and promote the happiness and welfare of my fellow-citizens.

"You will please to receive my thanks for the impressive manner in which you appreciate my services, and the interest you take for my personal welfare. Please to accept my best wishes that each individual may enjoy health and prosperity through your public and private life; that upon your retirement, you may have a happy meeting with your families; and that you may be under the providential care of the Supreme Governor of the Universe.

"Th. Posey

"The Honorable the Speaker of the House of Representatives

"26th Dec. 1815"

APPENDIX I

TREASURER'S ACCOUNT BOOK, 1806-13

TREASURER'S ACCOUNT BOOK, 1806-13[1]

1 No. Acct. of cash pd. out by Treasurer

1806				$	Cts
Augt. 8th		3	To cash pd. Auditors warrant favour of		
1[st] R[eport]			E. Stout for printing laws for Territory contingt. fund	300	....[2]
#	22	8	Do. pd. Robart baird copying laws pased 1804 pr. order of Governer contingt. fund	47	70
#	#	9	Do. pd. John Springer an Express pr. order of Goverr.	4	....
Septr. 2d		16	To Do. pd. Sam. McKee four days writing for legisr. in 1803	16	....
#	#	7	To Do. pd. Anthony Marshal[3] hous rent for legislatr. up to the 29th. July 1806 auditd.	50	....
#	3	1	To Do. pd. B. Parke Attorney General his alowance commencing 4th Augt. 1804 & ending 3d Augt. 1806.....	60	....[4]
#	#	12	To Do. pd. Isac Decker an express by order of Goverr.	18	....
#	#	11	To Do. pd. Jno. R. Jones Attorney General his salery from the 24th. Septr. 1803 to Augt. 1804 at $60 pr. year.....	51	66⅔
#	#	13	To Do. pd. H. Hurst Clark to legislatre in 1802 & 3 thirten days at $4 pr. day auditd.	52	....[5]
#	#	14	To Do. pd. B. Parke fees & allowance undr. law of 1803 from 24th. [Sep. 1803] up to 4th Augt. 1806 & balnce under law		
2d R[eport]			of 26th Augt. 1805[6]	77	75
#	4	10	To Do. pd. Treasurers Salery commencg. 4 Septr. 1805 & ending 3d Septr. 1806 audited[7]	100	....
#	5	"	To Do. pd. Auditor[8] his salery begining		
3d R - -			5th. Septr. 1805 & ending 4 Septr. 1806....	150	....

[*cont. on opposite page*]

[1] This account book is in the Archives Division of the Indiana State Library. No record for the periods prior to 1806 or after 1813 have been found. The "1[st] R[eport]," "2d R[eport]," etc., refer to the various reports made by the territorial treasurer to the Assembly.

[2] Provided for in the appropriation act approved August 26, 1805. Stout was to print two hundred copies of the laws passed by the first session of the First General Assembly for this sum. The residue of the contingent fund ($500) was to be used to meet unforeseen expenses to be paid for by the Governor. Philbrick (ed.), *Laws, 1801-9,* p. 143.

[3] Antoine Marchal. Payment was allowed by the Assembly. ***Ibid.***

[4] Parke was commissioned attorney general on August 4, 1804. The appropriation act approved August 26, 1805, allowed $150 for the attorney general per year. *Ibid.,* 144.

Recd. in the Territorial Treasurey contra 1

1806			$	Cts
Augt. 8		By cash Recd. of Daniel Sulivan[9] Collector of Terril. tax for County of Knox	300	....
# 22d		By cash Recd. of D. Sulivan Collector of Territorial tax for County of Knox.....	200	....
# 29		By cash Recd. of Aaron Prether Collector of Territorl. tax for County of Clark	800	....
Septr. 3d.		By cash Recd. of H. Hurst Clark to General Court tax on law proceses from Decr. 17th. 1803 to 1st Septr. 1806.....	260	50
Octobr 16		By cash Recd. of Dan. Sulivan Collector of Territorl. tax for County of Knox after discountg. $48 fees for collecting $800[10]	252	
Novr. 8		By cash Recd. of R. Buntin Clark of Comn. Pleas for County of Knox tax on process begining 2d. Septr. 1804 & ending July term 1806.....	46	50
			1859	00

[*cont. from opposite page*]

Octobr. 7		17	To Do. pd. G. W. Johnson postage on leters on Terre business by order of Governor	8	40
#	16	5	To Do. pd. T. Dubois stationary furnished legislar.....	69	75
#	#	18	To Do. pd. B. Parke balance of acct. as Atty. Genl. till Augt. 1806.....	132	25
#	#	6	To Do. pd. Abraham Defrance door keeper 26 days furnishing chairs &c.....	40	50
#	#	4	To Do. pd. E. Stout printing & publishing Extract from law laying a tax on land....	8	25
#	#	15	To Do. pd. R. Buntin makeing duplicat of tax for year 1806.....	20	....
4 R - -			balance caried forward.....	652	73⅓
				1859	00

[5] Henry Hurst was allowed $4.00 per day for service as clerk to the Governor and Judges acting as a legislative body. *Ibid.*, 20.

[6] See act of September 24, 1803. *Ibid.*, 46 ff.

[7] James Johnson, commissioned territorial treasurer, September 4, 1805. Payment was allowed by the Assembly. *Ibid.*, p. 143.

[8] Peter Jones was commissioned auditor, September 5, 1805. Payment was allowed by the Assembly. *Ibid.*, p. 143.

[9] Daniel Sullivan was commissioned sheriff of Knox County, September 22, 1804, and was succeeded upon resignation by Parmenas Beckes, December 29, 1806. Territorial *Executive Journal*, 125, 138.

[10] Collectors were allowed 6 per cent of all tax money collected by them under an act of August 26, 1805. Philbrick (ed.), *Laws, 1801-9*, p. 151.

2	No.	Acct. of cash pd. out by Treasurer	$	Cts.
1806				
Novr. 15	19	To cash pd. G. W. Johnston[11] postage on leters pr. order of Governer contingt. fund	2	55
Decr. 6	26	To Do. pd. Jesse B. Thomas spaker of house of Repres. upon his warrant for $236 auditd.	170	....[12]
# #	23	To Do. pd. G. W. Johnston Clark to house of Represens. amount for his sarvesis as such.....	189	....
# #	22	To Do. pd. Davis Floyd a Representative from Clark County amt. of his warrt.....	137	....
# #	24	To Do. pd. Jno. Johnson Representative from Knox County amt. of his warrt.....	107	40
# #	33	To Do. pd. Shedrich Bond Sr. a membr. of the legislature upon his warrant for		
1807		$69	49	....
5 R - -				
July 17	46	To Do. pd. Jno. R. Jones membr. of Councel 29 days at $1 pr. day for 1805....	29	....
" "		To Do. pd. Jno. R. Jones as membr. of Councel for 1806 thirty four days at $2 pr. day	68	....
Augt. 11	47	To Do. pd. Jno. R. Jones in part his allowance for Revising the laws in co. with Jno. Johnson his part being fifty dollars[13]	21	....
# #	48	To Do. pd. Sam. H. Smith for advertising the act Reletive to non Residants three weeks	5	....
# #	49	To Do. pd. B. Parke allowance under the act of 1803 begining 4 Augt. 1806 & Ending 3d. Augt. 1807 upon an Audited		
6 R - -		acct. for sixty dollars	52	75
			830	70

[11] Postmaster at Vincennes.

[12] This and other sums paid to members and officers of the General Assembly for service and traveling expenses were allowed in acts passed by the Assembly at each session. See Philbrick (ed.), *Laws, 1801-9,* pp. 143, 208-10, 603-4, 671-72; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 187-88, 249-50, 334-35, 496-98, 546-48. No such act was passed at the 1815 session, and there is no record of the payment of the members of the 1815 Assembly by either the territorial or state auditor.

[13] Johnson and Jones were allowed one hundred dollars "for superintending the printing of the laws" passed at the 1805 session,

Recd. in the Territorial Treasurey Contra 2

		$	Cts.
1806			
Novr. 15th.	By balance brougt forward from p. 1.....	652	73⅓
1807			
July 17th.	By cash Recd. of Peter Beneca by Jno. Ri[c]e Jones a fine imposed the last Circuit Court for Randulph County.....	50	....
# #	By Do. Recd. of Nichols Jarrot by Jno. Ri[c]e Jones a fine imposed at a Circuit Court St. Clair County.....	50	....
# #	By Do. Recd. of Wm. Morroson by Jno. Ri[c]e Jones a fine imposed at a Circuit Court for Randulph County	8	....
Augt. 11th.	By Do. Recd. of Jno. Solivan by Jno. R. Jones a fine imposed at a Circuit Court for St. Clair County.....	10	....
# #	By Do. Recd. of B. Park atty. General fines by him collected accordin to law.....	57	75
	Balance caried forward.....	2	21⅔
		830	70

"making marginal notes to the same, and revising the laws of the territory, agreeably to a resolution of the last assembly." Appropriation act, approved December 4, 1806. Philbrick (ed.), *Laws, 1801-9,* pp. 153, 208.

3		No.	Acct. of cash pd. out by Tresurer	$	Cts.
1807					
			By balance brought forward from p. 2	2	21⅔
Augt. 27		31	To cash pd. Sam. Gwathmey membr. of Council for the year 1805 twenty Eigt days at $1 pr. day	28	....
#	#	#	To Do. Milage at $2 for each 20 mils total mils 240	24	....
#	#	#	To Do. 34 days as Councel for 1806 at $2 pr. day	68	....
#	#	#	To Do Milage at $2 for each 20 mils total mils 240	24	....
#	#	20	To Do. pd. Sam. Gwathemy for makeing abstract of land clames in Clark County	25	....
#	#	68	To Do. pd. Isac Shelby his Pr. Ct. for collectg. $607	36	46
#	#	#	To Do. pd. the Judges of Election, otherways attending the sals of lnd for the tax	6	....
#	#	#	To Do. pd. Isac Shelby an errer by auditor in taxing 500 acres of land No. 255 twise once in the name of Willson & once in that of M. Cox	1	87¼
#	#	21	To Do. pd. Sam. Gwathemy alowance under act laying a tax on land for year 1806 on a warrt. for twenty dollars	18	50
#	#	50	To Do. pd. the assessor of Clark County making assesst	30	70[14]
#	#	38	To Do. pd. E. Stout for printing 200 copies of the laws pased at second session of the first legislatur Cont. fd.[15]	300	....
#	#	45	To Do. pd. Moses Keller pr. ordr. of Governer, Express to Kaskaskia for abstract of land clames in Randuh. and St. Clair Counties Contt. fund	30	....
#	#	51	To Do. pd. G. W. Johnson postage on leters pr. order of Governer Contingt. fund	22	89½
#	#	44	To Do. pd. the Editor of the Westren American three weeks ascertion of Governers proclametion for apprehending Jas. Red fugitive from Justice four squars at $1 Each square Contingt. fund	4	....
			Balance caried forward	636	72⅔
				1258	37¼

14 By act of August 26, 1805, assessors were allowed ten cents out of the territorial treasury for each name listed by them. Philbrick (ed.), *Laws, 1801-9,* p. 152.

15 Allowed in act approved December 4, 1806. *Ibid.,* 207.

Recd. in the Territorial Treasurey Contra 3

			$	Cts.
1807				
Augt. 22d		By cash Recd. of Aaron Prether Collector of Territorial tax for County of Clark for year 1806	144	....
#	#	By Do. Recd. of Gwathemy Clark of the Court for Clark County tax on proceses for year 1806	18	50
#	#	By Do. Recd. of Isac Shelby Collector of Territorial tax for County of Clark for 1806	564	87¼
Septr. 19		By Do. Recd. of Jas. Galbreth Collector of Territorial tax for County of Randulph for this present year.....	531	....
			1258	37¼

4	No.	Acct. of cash pd. out by Treasurer		
1807			$	Cts.
Septr. 19	37	To cash pd. P. Menard a member of the Councel 29 days at $1 pr. day for year 1805	29	....
# #	#	To Do. his Milage 320 mils at $2 Each 20 mils	32	....
# #	#	To Do. pd. him 19 days at $2 pr. day as a membr. for 1806.....	38	....
# #	#	To Do. pd. his Milage 320 at $2 pr. each 20 mils	32	....
# #	64	To Do. pd. Shadrach Bond Junr. a membr. of the legislatr. for 1807 32 days at $2 pr. day.....	64	
		To Do. his Milage 360 mils at $2 each 20 mils	36	....
# #	32	To Do. pd. Shadrach Bond Jur. his sarviss. as membr. of the legislature for 1806	108	
# #	52	To Do. pd. B. Parke his allowance under law of 4th. Decr. 1806 comencing 26 Augt. 1806 & ending 26 Do. 1807 in part of a warrt. for $100 audd.....	50	....
# #	67	To Do. pd. Wm. Biggs a member of the legislature 34 days at $2 pr. day & his milage auditd. at $104 in part of this warrt.	58	....
# #	63	To Do. pd. George Fisher member of assembly his allowance from the 27 Augt. to 19th. Septr. both days inclusive at $2 pr. day.....	52	....
7 R - -		To Do. pd. G. Fisher his milage at $2 each 20 ms. whole distance 260 ms.....	32	
# 27	23	To Do. pd. H. Hurst Clark of general Court for a book for the Records of said Court	22	....[16]
	28	To Do. pd. H. Hurst his allowance as Clark to the members who put in nomenation the Councel in part of his warrt.		
8 R - -		for $16	6	....
		Balance caried forward	105	72⅔
			664	72⅔

[16] Allowed by appropriation act approved December 4, 1806. Philbrick (ed.), *Laws, 1801-9*, p. 208.

Recd. in the Territorial Treasurey Contra 4

		$	Cts.
1807			
	By balance brougt forward from p. 3.....	636	72⅔
Septr. 28	By cash Recd. of B. Park Atty. General fines by him collected for 1806	28	....
		664	72⅔

5		No.	Acct. of cash pd. out by Treasurer	$	Cts.
1808					
Febry. 10		47	To cash pd. Jno. R. Jones balance of his warrt. No. 47 p. 2.....	29	....
#	#	56	To Do. pd. Jno. Harben[17] allowance by law for bringing Robart Slaughter Nashvill charged with murder	100	....
#	#	39	To Do. pd. the order of Goverr. in favour of T. Dubois assignee of W. Wells & others careing dispaches from fort wayn to Detroitt Contint. fund	15	....
#	#	42	To Do. pd. T. Dubois a Ream of paper delivered to P. Jones & 100 dutch quills..	7	91
#	#	59	To Do. pd. Luke Decker a Representative 34 days at $2 pr. day & Milag $1 and 40 Cts.	69	40
#	#	65	To Do. pd. G. W. Johnston his sarvises as Represente. 34 days at $2 pr. Day.....	68	....
#	#	77	To Do. pd. R. Buntin allowance as Clark makeing Duplicat of tax for 1807..	20	....
#	#	70	To Do. pd. G. W. Johnson makeing abstract of lands for Countys of St. Clair & Randulph	20	....
#	#	74	To Do. Pd. J. D. Hay for copying laws 4 days at 250 Cts. pr. day and a bench furnished legislature	12	....
#	#	55	To Do. pd. Sam. Hay for fuel furnished legislatr. in 1806[18]	20	....
		75	To. Do. pd. Joshuay Bond for a table use of legislatr.	7	....
#	#	43	To Do. pd. P. Beckes assessor of lands for County of Knox 362 names at 10 Cts. each	36	20
#	#	71	To Do. pd. Michal Jones for makeing abstract of lands for St. Clair & Randulph Countys	104	80
#	#	79	To Do. pd. George Wallace for copying laws alowed by legislature	6	25
9 R - -					
Marh 8		84	To Do. pd. H. Hurst on his warrant for 119 Dolls. No. 84 sarvesis as Clark to the Councel for 1807.....	77	55½
			Balance caried forward.....	27	7¼
				620	18⅔

[17] John Harbin. The appropriation act approved December 4, 1806, allowed this payment. Philbrick (ed.), *Laws, 1801-9,* p. 208.

[18] Allowed in appropriation act approved December 4, 1806. *Ibid.,* 207.

Recd. in the Territorial Treasurey Contra 5

		$	Cts.
1808			
	By balance broght forward from p. 4.....	105	72⅔
Febry. 10	By cash Recd. of P. Beckes Collector of Territorial tax for Countty of knox.....	514	46
		620	18⅔

6	No.	Acct. of cash pd. out by Treasurer		
1808			$	Cts.
June 17		To cash pd. Wm. Biggs balance of his warrant No. 67 entered p. 4.....	46	....
# #	34	To Do. pd. Shadrach Bond a membr. of the Councel 34 days at $2 pr. day & milage for 400 ms. at $2 each 20 ms.....	108	....
# #	72	To Do. pd. Jno. R. Jones assistant Clark to auditor	20	....
# #	90	To Do. pd. Peter Jones Auditr. his Salary from 4 Septr. 1806 untill 3d. Septr. 1807	150	....
# #	92	To Do. pd. Jno. Hay Clark of the Court fo St. Clair County alowance by law for copying tax list	12	....
# #	88	To Do. pd. P. Beckes sheriff of Knox County his salary for one year comencing 29th Decr. 1806	50	....
# #	89	To Do. pd. Jno. Johnson & Jno. R. Jones for Revising &c the laws alowed by law	250	....
# #	36	To Do. pd. Wm. Biggs membr. of the legislature allowane. as certified by speaker	169	....
# #	"	To Do. pd. H. Hurst on his warrt. No. 84 enterd. p. 5 for 119 dolls.	11	88⅔
# 30	94	To Do. pd. for package & cordage & Transporting the laws to the defrant Counties	12	....
10 R - -				
July 4	93	To Do. pd. Jno. Johnson pr. order of Governer for prosectg. on behalf of the United States vs. Abigal Hogue [Rough]	40	....
Augt. 25	"	To Do. pd. E. Stout printing general orders for Militia and proclametion &c. pr. order of Governer Cont. fu[n]d.....	6	....
		By balance caried forward.....	135	50⅔
			1010	39⅓

Recd. in the Territorial Treasurey Contra 6

		$	Cts.
1808			
	By balance brought forward from p. 5....	27	7⅔
July 17th.	By cash Recd. of Jno. Hay Collector for St. Clair County for year 1807 after discounting 44 dolls. & 6 Cts. for colecting 749 Dolls.	704	78⅓
# #	By Do. Recd. of Jas. Galbreth Collector for Randulph County for year 1807.....	189	9½
# #	By Do. Recd. of Jno. Hay by Wm. Mcintosh in discharge of his taxis in St. Clair County &c.	77	55½
# #	By Do. Recd. of Jno. Hay by Wm. Mcintosh of Taxis in St. Clair County &c.....	11	88⅓
		1010	39⅓

7	No.	Acct. of cash pd. out by Treasurer	$	Cts.
1808				
Octobr. 11	104	To cash pd. G. W. Johnson postage on leters by order of Governer Contt. fund	5	93½
# 17	105	To Do. pd. Banjn. Coffman for going to the Govenr. of Kentuckey to demand Wm. Walker & others fugitivs from.....	35	....
	. .	To Do. pd. George Fisher balance of his warrt. No. 63 entered p. 4.....	32	....
# #	. .	To Do. pd. Charls Kilgore for a shedule of lands sold within the County of Dearbon	17	25
# #	57	To Do. pd. B. Chambers 34 days as membr. of Councel at $2 pr. day & milage 480 ms. at $2 each 20 ms.....	112	....
# #	60	To Do. pd. Sam. Gwathemy 34 day as membr. of Councel at $2 pr. day & milag 120 ms. at $2 each 20 ms.	92	
# #	58	To Do. Jno. R. Jones 34 days as membr. of Councel at $2 pr. day.....	68	
# #	66	To Do. pd. Jesse B. Thomas the amount of his warrt. said to be lost or mislaid on the Auditors certificat	118	....
# #	105	To Do. pd. Jesse B. Thomas as membr. of hous of Represts 27 day at $2 pr. day and 348 mils travel at $2 Each 20....	88	80
# 31	118	To Do. pd. E. Stout in part of his warrt. for 101 dolls. Printing done in 1807 be-		
12 R - -		ing part of 695 dolls. allowd.[19]	63	
1809				
May 30	119	To Do. pd. Peirre Menard membr. of Councel 17 days for year 1807 and his		
13 R - -		milage 320 at $2 each 20 ms.	66	....
July 18	. .	To Do. pd. the order of Governer ex-		
		pence in an attempt to aprehend Jas.		
14 R - -		Dunlap fugitive from Justice[20].....	90	....
		Balance caried forward.....	3	57¼
			791	55⅔

[19] This sum was allowed in an act approved October 24, 1808, "for the relief of the Printers of the Revised Code, and for other purposes." Philbrick (ed.), *Laws, 1801-9,* pp. 656-67.

[20] Murderer of Rice Jones, son of John Rice Jones. *Ante,* 160. The murder took place in Kaskaskia, and Dunlap was said to have escaped to Upper Louisiana Territory. He was never apprehended. On December 12, 1808, Harrison wrote to the Governor of Upper Louisiana requesting him to give him notice if Dunlap was caught that he might send an agent for him. Territorial *Executive Journal,* 151; Philbrick (ed.), *Laws, 1801-9,* ccliv.

Recd. in the Territorial Treasurey Contra 7

		$	Cts.
1808			
	By balance brought forward from p. 6....	135	50⅔
Octobr. 25	By cash in warrts. Recd. of Jas. Hamelton Collector of Territorl. tax for County		
1809	of Dearbon by the hand of Jesse B. Thos.	500	..5
May 30	By Do. Recd. in warrants of Jas. Galbreth Collector for County of Randulph by Jacob Kuykendal	66	....
July 18	By Do. Recd. of Jno. Hays Collector of Territorial tax for County of St. Clair an order by the Governer Contt. fund.....	90	....
		791	55⅔

8	No.	Acct. of cash pd. out by Treasurer	$	Cts.
1810				
Januy. 22d.	144	To cash pd. H. Hurst Clark to General Court his salary from 17th. Septr. 1807 to 17th. Septr. 1808	30	....
		also his salary from 17th. Septr. 1808 to 17th. Septr. 1809	30	
# #	122	To cash pd. E. Stout in part of his allowance for Printing Revised code of laws	216	32
# #	123	To Do. pd. E. Stout in part printing Revised code of laws	70	....
# #	111	To Do. pd. Wm. Biggs membr. of the legislature 31 days at $2 pr. day & his milage 280 ms. at $2 each 20 ms.	90	....
	. .	To Do. pd. Sam. Gwathemy balance of his warrt. for twenty dolls. entered p. 3	2	50
# #	117	To Do. pd. Wm. Jones Clark to the house of Representats. 31 days at $3 & 50 Cts. pr. day	108	50
15 R - -				
Febry. 22d.	91	To Do. pd. Thomas McGiffin assistant Clark to the legislature, agreable to a Resolve of the house	15	....
# #	141	To Do. pd. R. Buntin Clark for makeing tax list for year 1808 for Knox County..	12	....
# #	86	To Do. pd. Peter Jones stationary for his office as audr.	7	91
	83	To Do. pd. Jno. Badolet for abstract of lands	25	....
# #	87	To Do. pd. E. Stout printing extract from law for collecting tax on land— for year 1806	3	....
# #	98	To Do. pd. E. Stout printing as above for year 1808	4	....
# #	97	To Do. pd. Sam. McConnel as Clark allowd. by legislatr.	5	00[21]
# #	133	To Do. pd. P. Beckes $1 & 57 Cts. over pd. to Treasurer	1	57
# #	95	To Do. pd. Joshuy. Bond boxes for transportg. laws to deft. Count[ie]s	4	50
# #	128	To Do. pd. Sam. Hay fire wood furnishd. legislature	4	50[22]
# #	127	To Do. pd. Sam. Hays assistant Clark to house of Repres.	2	50[23]
	. .	To Do. pd. H. Hurst balance of his warrt. No. 84 Entd. p. 5	29	88⅔
		To Do. pd. Hurst balance of his warrt. No. 28 p. 4	10	....

[*cont. on opposite page*]

Recd. in the Territorial Treasurey Contra 8

		$	Cts.
1810			
Januy. 22d.	Balance brought forward from p. 7.....	3	57⅔
# #	By cash in warrts. Recd. of Willis Goodwin Collector of Territorl. Tax for County of Clark by the hand of Jno. Vauter after a discount of 38 dolls. & 22 Cts.	546	32
Febry. 22d.	By cash in warrts. Recd. of P. Beckes Collector of Territorial Tax for County of Knox after discounting 33 dolls. & 15 Cts. ⅓	473	72⅔
		1023	62⅓

[*cont. from opposite page*]

#	#	61	To Do. pd. Sam. Hays Doorkeeper for both houses of legislar. 34 days.....	51	
#	#	29	To Do. pd. Sam. Hays Doorkeeper for both hous[e]s of legislar. 34 days for 1806	51	....
#	#	129	To Do. pd. Sam. Hays Doorkeeper for both hous[e]s of legislar. 31 days for 1808	46	50
			Balance caried forward.....	202	93⅔
				1023	62⅓

[21] This sum was allowed in the appropriation act approved September 19, 1807. Philbrick (ed.), *Laws, 1801-9,* p. 607.

[22] Samuel Hay or Hayes. This sum was allowed in the appropriation act approved on October 26, 1808. *Ibid.,* 669.

[23] This sum was allowed in the appropriation act approved September 19, 1807. *Ibid.,* 608.

9	No.	Acct. of cash pd. out by Treasurer		
1810			$	Cts.
February 22d.	102	To cash pd. Thos. Randulph Attorney General one quarters Sallary commencg. 6th June & ending 1st. Septr. 1808.....	25	....
#	#	130 To Do. pd. Jno. R. Jones allowance for attending the Printing the Revised code of laws for Territory	30	....[24]
#	#	124 To Do. pd. E. Stout not stated by Auditor what for	23	67
#	#	96 To Do. pd. Able Westfall assessar allowance for year 1808; 1032 Tracts of of land at 5 Cts. each.....	51	60
#	#	132 To Do. pd. P. Beckes his sarvises as Sheriff for 1808	50	....
16 R.	136	To Do. pd. E. Stout in part printing Revised code	20	....
		Balance caried forward.....	2	66⅔
			202	93⅔
		legislature for 1810 has had this Book before them to 16 Report inclusive with the Vouchers—		

[24] This sum was allowed in the act "for the relief of the Printers of the Revised Code and for other purposes." Philbrick (ed.), *Laws, 1801-9*, p. 657.

Recd. in the Territorial Treasurey Contra 9

		$	Cts.
1810			
	Balance brought forward from p. 8.....	202	93⅔

10		No.	Acct. of cash pd. out by Treasurer	$	Cts.
1810					
Decr. 10		154	To cash pd. Jas. Baggs membr. of house of Represents. from Clark County for 1807	91	80
#	#	116	To Do. pd. Johnathen Jennings assistant Clark to legislar. for 1808 29 days at $2 & 50 Cts. pr. day.....	72	50
#	#	112	To Do. pd. G. W. Johnston membr. of house of Represents. for 1808 31 days at $2 pr. day	62	....
#	#	114	To Do. pd. Jas. Baggs membr. of house of Represents. from Clark County 13 dys & travling 139 ms.	53	80
#	#	125	To Do. pd. Jas. Baggs for assesing 824 tracts of land in County of Clark for 1808 at 5 Cts. each	41	20
#	#	113	To Do. pd. G. W. Johnson superintending printing the Revised code and distributing the same	50	....
#	#	115	To Do. pd. Luke Decker membr. of house of Represents. from Knox County		
17 R.	- -		31 days at $2 pr. day & mlage.....	63	40
#	24	85	To Do. pd. P. Jones assistat. Clark to legislature for 1807	15	
#	#	. .	To Do. pd. B. Parke balance of his warrt. enterd. p. 4 No. 52 for $100.....	50	....
#	#	179	To Do. pd. Peter Jones Representativ for County of Knox year 1810	76	
#	#	35	To Do. pd. B. Chambers of the Councel for 1805, 10 days at 1 dollr. pr. day & 420 mils travle at $2 each 20 ms.	52	
#	#	142	To Do. pd. P. Jones his salary as Auditor for year 1808-9	150	25
18 R.	- -				
1811					
Jany. 4		178	To Do. pd. Walter Willson membr. of the legislatr. for County of Knox for year 1810	76	
#	#	171	To Do. pd. Wm. Jones membr. of Councel for County of Knox.....	76	
#	#	. .	To Do. pd. E. Stout balance of his warrt. No. 118 p. 7 for $101 61 Cts.....	38	61
#	#	144	To Do. pd. Thos. Randulph Attorney General in part of his salary for year 1809	60	66
#	#	189	To Do. pd. Wm. Jones Clark to house of Represents. for 1809	11	50
#	#	152	To Do. Pd. G. W. Johnson superintendg.		
19 R.	- -		printing the laws of 1808	3426	

[*cont. on opposite page*]

Recd. in the Territorial Treasurey Contra 10

			$	Cts.
1810				
		Balance caried or brought forward from p. 9	2	66⅔
Decr. 10		By cash in warrants Recd. of Willas Goodwin Collectr. of Territorial tax for Clark County, by Jas. Baggs.....	434	70
#	24	By Do. Recd. in warrants of Daniel Suliven Collectr. of Territorial tax for County of Knox for year 1806 discount on same $20 = 58 Cts.	343	....
1811				
Jany. 4		By Do. Recd. of Speir Spencer Collector of Territorial Tax for Harrison County for 1809 & 1810 discount on same $22 & 23 Cts. 1 dollr. & 34 Cts. over pd. in ths. sum	296	77
Februy. 11		By Do. Recd. of Daniel Sulivan Collector of Territorl. tax for Knox County for year 1806	20	....
			1097	13⅔

[*cont. from opposite page*]

Febry. 11	183	To Do. pd. G. R. C. Sulivan assistant		
20th. R		Clark to legislatr. for 1810	20[27]	
		Balance caried forward.....	2	66⅔
			1097	13⅔

[25] Allowed in act approved October 26, 1808. Philbrick (ed.), *Laws, 1801-9,* p. 669.

[26] Allowed in act approved November 23, 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 106-7.

[27] Allowed by act approved December 19, 1810. *Ibid.,* 173.

11	No.	Acct. of cash pd. out by Treasurer		
1811			$	Cts.
March 9	190	To cash pd. Jno. Johnson allowance by law as a membr. of the house of		
21 R - -		Representativs for 1809	12	
#	121	To Do. pd. E. Stout in part printing Revised Code	96	89
30	. .	To Do. pd. P. Beckes his discou[n]t on $632 & 76¼ Cts. included in his credit for tax of 1809	44	29¼
# #	. .	To Do. pd. P. Beckes his discount on $100 includ[e]d in his credit for 1808....	7	....
# #	140	To Do. pd. J. Badolet for [ms. illeg.] of lands sold by Register from the 17th. February 1808 to the 9th. May 1809	5	43¾
# #	170	To. Do. pd. Dennis Pennington membr. of house of Representativs from Harrison County for 1810	95	....
# #	. .	To Do. pd. B. Parke the balance of two warrts. the one No. 48 & the other No. 49 p. 2.....	7	25
# #	181	To Do. pd. J. Badolet alowance by law for furnishg. list of lands entered in his office year 1809	5	....
# #	138	To Do. pd. E. Stout balance of his pay for Printg. Revised code	14	57½
# #	. .	To Do. pd. Jno. Johnson his part of a warrt. No. 47 for $100 in co. with Jno. R. Jones in Revising the law.....	50	....
# #	. .	To Do. pd. the order of the Governer fevour of E. Stout for publishing Election in his paper for 1810	7	
# #	110	To Do. pd. Jno. R. Jones membr. of Council for 1808 31 days at $2 pr. day....	62	
# #	139	To Do. pd. E. Stout for printing 400 Copies of laws in 1808 & binding each Copy	111	50[28]
# #	109	To Do. pd. Rice Jones membr. of the house of Represts. 31 days at $2 pr. day & his milage 320 ms.	94	
# #	53	To Do. pd. B. Parke as a membr. of the legislature for 1805 who put in nomination the Councel	31	
# #	99	To Do. pd. P. Jones his salary for the 3d. years sarves 1808	150	

[*cont. on opposite page*]

Recd. in the Territorial Treasurey Contra 11

			$	
1811				
		Balance brought forward from p. 10.....	2	66⅔
March	9	By cash Recd. of Sam. Gwathemy Refunded being over pd. him throw mistake of Auditor	12	....
#	#	By cash Recd. of Willas Goodwin Collector of Territl. tax for Clark County for year 1808	96	89
#	30	By Do. Recd. of P. Beckes Collector of Territorial tax for County of Knox for 1809 including his discount of $44 & 29 Cts.	677	5¼
#	#	By Do. Recd. of P. Beckes Collector of territorial tax for County of Knox for 1808 including discount of $7.....	107	....
			$895	66⅔

[*cont. from opposite page*]

#	#	80	To Do. pd. Jas. Johnson Treasurer his salaery comencg. 4th. Septr. 1806 &	
22d Rt.			ending 4th. Septr. 1807	100
			Balance caried forward	2 66⅔
				895 60

[28] This must be only a partial payment. The Assembly voted three hundred dollars for printing the laws of this session. Philbrick (ed.), *Laws, 1801-9*, p. 669.

12	No.	Acct. of cash pd. out by Treasurer	
1811—			$
April 8	155	To cash pd. Jas. Baggs a membr. of Councel from Clark County including his milag for 1810	100
# #	173	To Do. pd. Thos. Douns his allowance by a specific appropriation made by legislature	28 ....[29]
# #	174	To Do. pd. Jas. Baggs his allowance by a specific appropriation made by legislature	28 ....
# #	162	To Do. pd. Jno. Paul membr. of the house of Represts. from Clark County....	108
# #	76	To Do. pd. Bullett & Smith stationary furnished the legislature of 1807.....	21 96[30]
# #	. .	To Do. pd. Jesse B. Thomas balance of warrt. No. 26 for $236 p. 2.....	66
# #	172	To Do. pd. Thos. Douns as a membr. of the house of Representativs from Clark County yer. 1810	100
# #	69	To Do. pd. Sam. Gwathemy Clark of the Court of Clark County his yearly allowance as such for 1807	20
# #	30	To Do. pd. Wm. Bullett an allowance	
23d. Rt.		by law	36[31]
May 30th.	193	To Do. pd. the Honerable Waller Taylor Chanclr. his allowance by law.....	
24th. Rt.			150[32]
Septr. 5	163	To cash pd. Richard Rue allowance by law of 1810	48
# #	168	To Do. pd. Jno. McCandless allowance by law as Door keeper to both houses at ther session of 1810	57
# #	82	To Do. pd. Charls killgore for shedule of lands in County of Dearbon allowed by law of 1807	17 50[33]
# #	164	To Do. pd. Jno. Templeton member of the house of Representativs for 1810 including milage	129
# #	78	To Do. pd. Jonathen Jennings 6 days as assista[n]t Clark to the legislature at $2.50 Cts. pr. day not datd.	15 ....
# #	166	To Do. pd. Ephram Overman membr. of legistr. from Dearbon County for 1810	131 ....
	156	To Do. pd. Soloman Manwaring membr. for Dearborn County including milage	123 20
# #	161	To Do. pd. Jas. Noble Clark to house of Represents. for 1810 in full for his sarvises	133 ....

[*cont. on opposite page*]

Recd. in the Territorial Treasurey Contra **12**

1811—				
		Balance brought forward from p. 11.....	2	66⅔
		County of Randulph	38	....
April 8		By cash in warrts. Recd. of Willas Goodwin Collectr. of Territorial Tax for Clark County discount on $507 & 96½ Cts. amounts to $35 & 55 Cts. which he is intetd.	507	96½
May 30th.		By cash in a warrt. Recd. of Joseph Brown Deputy Collectr. for County of Clark in part of a Judgt. obtained against the Collectr. of said County	150	....
Septr. 5th.		By cash in warrants Recd. of Jas. Hamelton Collectr. of Territorial tax for County of Dearbon in part of a Judgmt. obtained against him	999	20
#	7	By cash in warrats. Recd. of Jas. Galbreth Collector of Territorial tax for County of Randulph	38	..
#	28	By cash in warrts. Recd. of Jno. Turner Collectr. of Territorial tax for County of Wayne	131	....
			1828	83

[*cont. from opposite page*]

#	#	185	To Do. pd. H. Hurst Clark to legislative Councel for the year 1808	108	....
			By balance caried forward	409	17
				1828	83

[29] By an act passed December 1, 1810, the General Assembly allowed payment to the members of the Assembly that attended the so-called Rump Session, October 16-21, 1809. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 112-14. Payments listed below to Downs, Beggs, Noble, Rue, Manwaring, Prince, Hayes (doorkeeper), Caldwell, Hurst, and John Work, are allowed by the act. Allowances made in the same act to Luke Decker ($12.00), Ephraim Overman ($48.00), John Johnson ($12.00), Moses Hoggatt ($25.00), General Washington Johnston ($12.00), and William Jones ($11.00) are not entered in the portion of the account book that we have here.

[30] Allowed by appropriation act approved September 19, 1807. Philbrick (ed.), *Laws, 1801-9,* p. 607.

[31] Allowed by appropriation act approved December 4, 1806 (*ibid.,* 208), for services in going under warrant of the Governor after William Briscoe, Jr., a fugitive from justice.

[32] Allowed by appropriation act approved December 19, 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 175.

[33] Allowed by appropriation act approved September 19, 1807. Philbrick (ed.), *Laws, 1801-9,* p. 606.

13 Acct. of cash pd. out by Treasurr.

1811	No.			
Septr. 5	160	To cash pd. Jas. Noble by a special law allowd.	16	....[34]
# #	158	To Do. pd. Soloman Manwarring allowance by a special law for 1810.....	44	....
# #	176	To Do. pd. Wm. Prince Auditor his allowan[c]e from the 13th. April last until 12th. Decr. 1810.....	100	....[35]
# #	177	To Do. pd. Wm. Prince allowance by a special law of 1810	12	....
# #	199	To Do. pd. Benjman Chambors membr. of the legislative Council for 1808 allowce. by law of 1810	41	....[36]
# #	200	To Do. pd. Samul Vance for abstract of lands subject to taxeation for the year 1806 & 1807	24	
# 7	103	To Do. pd. Jas. Edger allowance by law of 1806	18[37]	
		To Do. pd. Shadrich Bond balance of his warrant entered p. 2.....	20	
# 28	165	To Do. pd. Richard Rue membr. of legislatr. from County of Dearbon includg. milage	131	....
		Balance carried forward.....	3	17
		Reported Decr. 19th. 1811 to legislature	409	17

[34] According to the act making specific appropriations approved December 1, 1810, James Noble was allowed $15.00 for services as clerk of the Legislative Council and for stationery furnished by him for use of the Council. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 113.

[35] Allowed by appropriation act approved December 19, 1810. *Ibid.,* 175.

[36] Allowed by a special act. *Ibid.,* 152.

[37] Payment for services in going after Michael Squires, a fugitive from justice, under warrant of the Governor. Edgar was sheriff of Randolph County. Philbrick (ed.), *Laws, 1801-9,* p. 208. Squires, charged with the murder of Abraham Stanley of Randolph County, had fled to Louisiana. Territorial *Executive Journal,* 134.

Recd. in the Territorial Treasurey Contra 13

1811		$	Cts.
	By cash broght forward from p. 12.....	409	17

14		[Acct. of cash pd. out by Treasurer]		
1811			$	
Decr. 19		To cash pd. the Audits. warrts. Nos. 225. 226. 234. 237. & 212 for $20 each & No. 233 for 10 in favour of Jno. Tempelton amoun[tin]g to	110	....
1812				
Jany. 14th.	167	To cash pd. G. W. Johnston a membr. of the Legistr. for Nox County for year 1810	76	....
# #	184	To Do. pd. Sam. Hayes Door keeper for legislatr. for 1809 approprated by law	9	....
# #	188	To Do. pd. P. Jones ex Auditor allowance by law from the 12th. Septr. 1809 to the 12th. Septr. 1810.....	87	50[38]
# #	191	To Do. pd. G. W. Johnson allowance for attending to the printing of the laws of 1810	30	....[39]
# #	195	To Do. pd. Elihu Stout for printing the laws of 1810 in part	205	....[40]
# #	196	To Do. pd. County of Knox for hous Rent allowed by laws of 1807 & 1808 & 1810	120	....[41]
# #	198	To Do. pd. Jno. Caldwell allowance by law of 1810	10	50
# #	200	To Do. pd. B. Beckes for conveying orders to the Militia pr. order of the Governer	6	....
	202	To Do. pd. H. Hurst as Clark to legislatr. for 1809	7	
# #	402	To Do. pd. the order of Thos. Randulph atty Gene[ra]l	100	....
# #	201	To Do. pd. H. Hurst allowance as Clark to the Contested Election	6	....[42]
# #	134	To Do. pd. E. Stout in part for printing Revised Code of laws	18	50
		To Do. pd. Jno. I. Neely for warning Millitia to General Revieu five days pr. order of Govr.	10	....
# #		To Do. pd. Wm. Prince Auditor on the followg. warrants Vz. No. 404 for $20 & 50 Cts No. 403 for $20 & 50 Cts. No. 405 for $10 & 75 Cts. No. 406 for $5 & 75 Cts. amounting to	57	50
26 Rt.				
			853	00
		by balance caried forward.....	3	17
			856	17

[Recd. in the Territorial Treasury Contra] 14

		$	Cts
1811			
	Balance brought forward from p. 13.....	3	17
Decr. 19	By cash in Audt. warrats. Recd. of Robart Hanna Collector of Territoral. Taxes for County of Franklin.....	110	....
1812			
Jany. 14	By cash in Audit warrants Recd. of the Admtrs. of Jno. McCandlas deceasd. Collector of Territorial taxs for County of Knox	743	....
		856	17

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[38] This sum was allowed in the appropriation act approved December 19, 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 175.

[39] Johnston and William Jones were appointed to contract for printing and stitching four hundred copies of the laws of the 1810 session, and were allowed $60.00 for their trouble. *Ibid.,* 163-64.

[40] Allowed by act approved December 17, 1810. *Ibid.*

[41] The 1807 and 1808 acts allowed $50.00, the 1810 act allowed $20. Philbrick (ed.), *Laws, 1801-9,* pp. 607, 669; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 174.

[42] Allowed by act approved December 13, 1810. *Ibid.,* 134.

15 Acct of cash pd. out by Treasurer

			$	
1812				
Jany. 29		To cash pd. G. R. C Sullivan on the following warrants to wt. Nos. 339, 338, 337, 342, 434, & 344 amounting to....	57	00
March 16		To cash pd. G. W. Johnstons on the following warrants Vs. Nos. 347, 346, for $10 each & Nos. 360, 353, 352, 354, 351, for five dolls. each.....	45	....
#	#	To Do pd. Jno. Gibson Esqr. on the followg warrt. No. 390 for five dolls.....	5	....
#	#	To Do pd. G. R. C Sulivan on warrt. Vz 341	10	....
#	24	To Do. pd. William Jones on the following warrts. Vs. Nos. 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, for $10 each including Intrst[43]	101	50
#	#	To Do. Pd. Wm. Prince the followg warrts. Vs. Nos. 454, 455, 456, 457, 458, for $10 each & 459 for $1:75 Cts. includg Intst	52	43
#	#	To Do. pd. Walter Willson on the followg warrts. vs. Nos. 393, 395, for $10 each & Nos. 397, 398 for $5 each & No. 400 for $1.80 Cts 47 ½ Cts. Intrest	32	27½
#	#	To Do. Pd. Wm. Prince the followg warrts. Vs. Nos. 468, 467, 466, 465, 464, 463, 462, 461, 460, for $5 each with 18 Cts. Intrt.	45	18
April 20		To Do. pd. Jas. Dill the following warrts. Vs. Nos. 209, for $20 & Nos. 207, 219, 231, 205, 220, 221 for $10 each, & Nos. 224, 223 for $5 Each 4 m[onths] Intst. $1:80	91	80
#	#	To Do. pd. Nathen Powell the following warrts. Vs. Nos. 253, 254, for $20 Each & No. 255. for $1:10 Cts. 4 m. Intst. 82 Cts.	41	92
#	#	To Do. pd. Solomon Manwarring warrt. No. 295 for $20. 4 m. Intrest 40 Cts.....	20	40
		Balance carried forwards	130	32
			632	82½

[43] An act passed in 1811 authorized the auditor of public accounts of the Territory to audit interest on outstanding claims against the Territory. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 213-14.

Recd in the Territorial Treasury Contra 15

1812		$ Cts.
	By balance brought forward from p.14	3 17
Jany. 29	By cash in auditd. warrants Recd. of Willis Goodwin sheriff of Clark County by the hand of Jno. Vawter to wt. Nos. 339, 338, 337, 342, 343, & 344 amounting to	57 00
March 24	By cash in Audi'd warrants Recd. of the adms'ts of Jno. M'Candlas decd. Colectr. for County of Knox to wt. Nos. 341, 347, 346, for $10 each and Nos. 360, 353, 390, 352, 354, 351, for $5 each— he is intitled to a discount on this pay't of $4:30 he is also intitled to a disct. on $743 makg. $52—1 for Collect. discount $3.93 1/3	60 ....
# 24	By cash in Au[d]it Warrts. Recd. of the Adm'ts of John Mcandlas Decd. Collector of Territorial Tax for county of Knox adding the Intrest allowing a disct of $16.19 1/2 Cts. and $1.13 1/3 Cts. for collecting disct.	231 38½
April 20th	By cash in audit warrts. Recd. of Jas. Hamilton Collectr of Territorial tax for County of Dearborn 4 m[onths] Intrst $3.2 Cts.	154 12
Augt. 19	By cash in audt. warrts. Recd. of the Admints. of Jno. McCandlas Collector of Territorial tax for County of Knox adding $21.15 Cts. Intrest allowing a discount of $19:4 Cts and 63 3/4 Cts. for Colecting discount	127 15
		632 82½

16 Acct of cash pd. out of Treasury

1812					
Augt. 19			To cash pd. George Fisher on the following vs. No. 2 for $20 & No. 3 for $1.15 Cts. amountg to Intrest.....	21	15
#	#	107	To cash pd. George Fisher member of Council for year 1808 at $2 pr. day and milage 320 m[iles]	94	....
#	#		To Do. pd. Nathanel Claypoole pr. order of Gover. for warning the militia a special muster	10	....
#	#		To Do. pd. John I. Neeley pr. order of Governor carr[y]ing an order to Harrison County	3	....
Decr. 18			To Do. pd. Wm. Prince following warrts. Vs. No. 511, 512 for $10 each 4 ms. Intrest	20	40
			To Do. pd. Wm. Prince following warts. Vs. No. 510, 509, for $10 each Int. 4ms. No. 517, 516 for $10.50 Cts. each Int. 4 m.	41	82
#	#		To Do. pd. Wm. Prince wart. No. 514 for $20:50 Cts Int. 4 ms.....	20	41
#	#		To Do. pd. Jones & Dubois[44] for following warrts Vs. No. 505, for $10:75 Cts. No. 506 for $10.50 Cts No. 507 for $5:50 Cts. Intrest upon each including No. 508 for $1	28	30½
#	#		To Do. pd. Spier Spencer[45] balance over pd. in Tax for Harrison County 1811	1	34
#	#		To Do. pd. Thos. Randulph following warrts. vs. No. 490, for $10— No. 488 for $20 & No. 1 for $8:96 Cts. 4 ms. ½ Intrest upon each warrt.	39	73¾
#	#		To Do. pd. G. W. Johnston on following warrts vs. No. 498, 499, 500, for $10 each & Intrest 4 ms.....	30	60
#	#		To Do. pd. Ban. Adams following warrts. vs. No. 495 for $10 & 494 for $5. & 496 for $1:62 ½ Cts. Int't 4 ms.[46]	16	95¼
			To Do. pd. Thos. Randulph warrt. No. 489 for $10 Intrest 4 ms.	10	20
#	#		To Do. pd. R. Buntin Clark for Duplicats of Territorial Tax for present year	12	....
#	#		To Do. pd. Christopher Wyant lister of lands for present year his allowance by law	62	35
				412	26½

	Recd. into Territorial Treasury Contra 16		
1812			
Augt. 19	By cash brought forward from p. 15.....	$130	32
	By balance caried over	282	04¼
		412	36¼

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[44] For stationery furnished the Assembly. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 253, 287.

[45] Spencer and Thomas Randolph, mentioned below, were both killed at the Battle of Tippecanoe. These payments presumably were made to their estates.

[46] Allowed by the Assembly to Benjamin Adams. *Ibid.*

17			Acct. of Cash pd. out of Treasury		
1812		No.	Balance brought forward	282	04¾
Decr. 18		175	To cash pd. Wm. Prince Clark to Examining Court contested Election G. W. Johnston & J. Caldwell	18	....[47]
#	#		To Do. pd. E. Stout printer for Publishing General orders &c. pr. order of Governor	11	50
#	#	10	To Do. pd. E. Stout Intrest audited on Gover's order		30
#	#		To Do. pd. E. Stout for printing 106 Copies of Militia law stiching & triming same pr. order of Govr.	120	50
#	#	12	To Do. pd. E. Stout printer Interest audited on Gover's order Dated 18 June 1812	2	94
#	#	148	To Do. pd. E. Stout printer for Publishing law for levying a Tax on land audited	5	....
#	#	8	To Do. pd. E. Stout Intrest on wart. 148 audited		84
			To Do. pd. E. Stout printing blank Commissions for Govr.	16	
#	#	9	T. Do. pd. G. W. Johnston following warrts. Vs. No. 497, 563, 564, for $10 each & No. 565, 566, 567, 568, 569, 570, 571, 572, for $5 each.....	70	....
#	#		To Do. pd. Luke Decker followg. warrts. Vs. No. 558 for $5 & 557, 556, 559, 560, 561, for $1 each	10	....
#	#	149	To Do. pd. E. Stout printer publishing abstract of law laying tax on land intrest aud'd wart. No. 11	5	38
#	#		To Do. pd. Wm. Prince following warrts. vs. No. 574, 575, 576, 577, 578 for $20 Each & 579. for $20:50 Cts	120	50
#	#	555	To Do. pd. Luke Decker.....	10	....
#	#	539	T. Do. pd. Henry Hurst.....	10	....
#	#	484	To Do. pd. Harvy Heth.....	5	....
#	#	485	T. Do. pd. P. Beckes.....	10	....
				698	75¾

47 Allowed by law approved December 5, 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* p. 119.

Recd. into Territorial Treasury Contra	17	
Balance caried forward	698	75¾

18			Acct. of cash pd. out of Treasurey		
1812					
Decr. 18			To ballance brought forward	698	75¾
#	#		To cash pd. W. Willson on the following warrts. Vs No. 392 for $20 No. 396 for $10 No. 401 for $1 Int 1 yr.	32	86
#	#		To Do. pd. G. W. Johnston on the following warrts. vs. No. 348, 345 for $10 each & No. 356 for $5 Int. 1 yr.	26	50
#	#		To Do. pd. G. R. C. Sulivan wart. No. 336 for $20 Int. 1 yr.	21	20
#	#		To Do. pd. P. Jones wart. No. 378 for $20 Int. 1 yr.	21	20
#	#		To Do. pd. E. Stout wart. No. 409 for $10 Int. 1 yr.	10	60
#	#		To Do. pd. Jas. Dill. Esqr. warrt. No. 208 for $10 Int. 1 yr.	10	60
#	#		To Do. pd. P. Jones warrt. No. 378 for $20 Int. 1 yr.	21	20
#	#		To Do. pd. Jas. Johnson following warrts. vs. No. 330, 331, 332, 333, 334 for $20 each Int. 1 yr.....	106	....
#	#		To Do. pd. Jno. Harbison warrt. No. 283 for $1 Int. 1 yr.	1	6
#	#		To Do. pd. Robart M. Evens following warts. vs. No. 448, 446 for $5 each No. 443, for $10 No. 452 for $1 Int. 11 ms.....	22	10½
#	#		To Do. pd. Thos. Neely following warrts. No. 469, 470—for $10 each Int. 8 ms.	20	80
#	#		To Do. pd. Jas. Johnson warrt. No. 335 for $20 Int. 15 ms.	21	47½
#	#		To Do. pd. H. Hurst warrt. No. 538 for $10 Int. 1 m.	10	5
#	#	562	To Do. pd. G. W. Johnston on aforesaid warrt	10	....
1813					
Jan. 9th		447	To Do. pd. Robert M. Evans $5 interest 1 year	5	30
#	#		To Do. pd. Daniel Sulivan following warrt. Vs. Nos. 580 for $5:90 Cts. & 582 for $5 & 583 for $10.....	20	90
#	#		To Do. pd. Jno. Neely following warrts. vs. No. 477 for $1:50 Cts. & 473 for $10 Intst. 9 ms.	12	1½
#	#		To Do. pd. Jno. Johnson followg warrts. Nos. 433, 432 for $5 each & 427 for $10 & 426, 424 for $20 each 1 years Intrest at 6 pr. ct.	63	60

[*cont. on opposite page*]

Recd. into Territorial Treasury Contra 18

		$	Cts
1812			
Decr. 18	By cash in audit warrants Recd. of Jas. Crow Collector of Territorial Tax for County of Knox he is intitled to a discount for Collecg. of $103: $103:68 & for collectg. discount $10:36¾	1036	87
1813			
Jany. 9	By cash pd. in audit warrants with the Intrt Jas. Crow Collectr. has a discount of $14:77 Cts. & for Collect. disco[un]t $1:47 & ¾	147	71¾
		1184	58¾

[*cont. from opposite page*]

#	#	To Do. pd. Jas. Johnson warrts. Nos. 534 & 535 for $10 each & 532 for $20 & 537 for $5 Int 4 m.....	45 90
			1182 11¾
		Balance caried forward.....	2 47
			1184 58¾

19		Acct. of cash pd. out by Treasurer	
1813			
Feby. 3d		To cash pd. Richard Rue following warrs. Nos. 261, 266, 267, 264, 265, 263, 262—for $10 each—Intrest on the the same 13 ms.	74 55
#	#	To Do. Richard Rue warrts. Nos. 259, 260, 258, 257—for $20 each & 274 for $1:20 Cts. with Intrest 13 ms.	86 46½
#	#	To Do. pd. Richard Rue warrts. No. 273, 268, 271, 270, 269, for $5 each Intrt. 13 ms.	26 62½
#	#	To Do. pd. Jas. Dill Esqr. warrts. Nos. 210 for $20 & 203 for $10 Intrt. 13 ms.	31 95
#	#	To Do. pd. Ewil Kindle, lister of lands for Wayne County certified by Judge of C. P.	29 75
#	#	To Do. pd. Jas. Johnson warrts. Nos. 536 for $10 & No. 4 $2:99 Cts. being Intrest on warrt. No. 81	12 99
#	5	To Do. pd. R. M. Evans warrts. Nos. 445, 444 for $10 each 13 ms. Intrest.....	21 30
#	#	To Do pd. Jno. Johnson warrts. Nos. 429, 428 for $10 each 13 ms. ½ Intrest....	21 35
#	#	To Do. pd. G. R. C. Sulivan warrt. 335 for $20 Intrest 13½ ms.	21 35
#	#	To Do. pd. Harvy Heth warrt. No. 483 for $10. 8 ms. Int' t.	10 40
#	#	To Do. pd. G. W. Johnston warrt. No. 501 for $20 6 ms. Int't	20 60
#	8	To Do. pd. Solom'n Manwairing warrts. Nos. 298, 300 299, 294, 297, 296, 293, for $20 each—304 $1:75 Cts. 303 for $10:75 Cts. 301 for $1. 302 for $1:20 Cts. & 305 for $1:50 Cts. 13 ms. Intrest	166 35
#	#	To Do. pd. Jno. Templeton warrts. Nos. 211 for $20, 228, 335, 227, 230 for $10 each, 236, 238 for $5 each, 240 238, 239 for $1 each 13 ms. Intrest.....	77 74½
#	#	To Do. pd. Jno. Johnson warrts. Nos. 530, 527, 528, 531, 529 for $20 each 5 ms. Intrest	102 50
#	#	To Do. pd. Clark of Franklin County for duplicats	12 ..
#	#	To Do. pd. lister of lands for Franklin County certif'd	21 15
			736 77½

Recd. Into Trasurey—— Contra 19

1813				
Feby. 3		Balance brought forward being $2:47 Cts a mistake of 50 Cts. in the Entry of warrt. 514 p[age] 16 l[e]aves a balance of	1 97	
#	#	By cash in warrts. Recd. of John Turner Collector of Territorial Tax for County of Wayne Including Intrest thereon by the hand of Jas. Noble	219	28¾
#	#	By Do. Recd. by the hand of Jas. Noble $29:75 Cts. for lister of lands for Wayne County	29	75
#	#	By Do. Recd. by the hand of Jas. Noble Tax of Sundry Citizens of Franklin County who had not entered with lister	11	18¾
#	5th	By Do. Recd. of John Turner Collectr. for County of Wayne by the hand of Jas. Noble, Including Intre't Discount on this sum $9:50 Cts.	95	....
#	8th	By Do. Recd. of Jno. Hanna Collector of Territorial Taxes for County of Franklin by the hand of Soloman Manwairing for year 1812 after a Discount of $42	378	10
		To balance caried forward	1	48
			736	77½

Reported to legislature

20			Acct. of cash pd. by Treasurer	
1813 March 1st		No.	To balance brought forward from p. 19	1 48
			To cash pd. Joseph Brown lister of lands for Clark County 992 tracts at 5 Cts. each certified	49 60
#	#		To Do. pd. Jno. Work No. 521 for $28 —6 ms. Intrest	28 84
#	#		To Do. pd. H. Hurst No. 13 for $69-93 Cts. Int't on wart. 27	69 93
#	#		To Do. pd. H. Hurst No. 14 for $16-9 Cts. Int't on wart. 186	16 09
#	#		To Do. pd. Milo R. Davis & Thos. C. Davis warrt. No. 479—for $30 10 ms. Intrest	31 50[48]
#	#		To Do. pd. Saml. Gwathmey No. 552 for $10 & No. 55 for $5 3 ms. Intrest....	15 37½
#	#		To Do. pd. H. Hurst No. 214 for $10 Int't 14 ms.	10 70
#	#		To Do. pd. William Prince No. 216 for $10 No. 215 for $20 & No. 217 for $5:75 Cts. 14 ms. Int't	38 25½
#	#		To Do. pd. Jas. Beggs No. 306, 307, 308, 309, 310, for $20 each 14 ms. Int't....	107 ....
#	#		To Do. pd. Jno. Harbison No. 285, 277, for $20 each & No. 289 for $10, No. 290 for $5 No. 292 for $1-60 Cts. 14 ms. Int.	60 56
#	#		To Do. pd. Wm. Mcfarland No. 241, 242, 243, 244, for $20 each & No. 246, 247, 248, 251 for $10 each 14 ms. Int.	128 40
#	#		To Do. pd. H. Hurst No. 540 for $10 4 ms. Int't	10 20
#	#		To Do. pd. Wm. Jones No. 410 for $10 14 ms. Int't	10 70
#	#	194	To Do. pd. Jacob Kuykendall Sumon'g witnesses &c. in contested Election of Willm. Prince	21 31[49]
#	#		To Do. pd. J. Kuykend'l No. 33 for $2:20 Cts. Int't on warrt. 194.....	2 20
#	#	192	To Do. pd. Wm. Jones attending to printing & distributing laws of 1810.....	30 ....[50]
#	#		To Do. pd. Wm. Jones No. 32 Int't on warrt. 192	3 15
				635 29

[48] Allowed by act approved December 15, 1810. Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 144-45. Milo R. and Thomas C. Davis were heirs of Thomas T. Davis, deceased, who had served as chancellor of the Territory from 1805 to 1806.

	Recd into Treasurey Contra Cred't	20
1813		
March 1st	By cash in warrts. Recd. of Jas. Lemon Collector of Territorial Tax for County of Clark Disct. yet to colect amounting to $63:38 Cts. & for Colle[c]ting Discount $6 33&¾	633 81
	Balance carried forward	1 48
		635 29

[49] Allowed in act approved December 13, 1810. *Ibid.*, 133-34.
[50] Allowed in act approved December 17, 1810. *Ibid.*, 163.

21 Acct. of cash paid by Treasurer

			$	Cts.
1813		To balance brought over from p. 20.....	1	48
March	9	To cash pd. Jas. Scott warrts. No. 601, 602, 603, 604, for $20 each & 605 for $3 & 606 for $1	84	....
#	10	To cash pd. Wm. Mcfarland warrts. No. 614, 607, 608, 609, 610, 611, 612, 660 for $20 each 613 for $2:60 Cts.	162	60
#	#	To Do. pd. Jas. Dill membr. of hous of Represents. warrts. Nos. 627, 626, 625 for $20 each	60	....
#	#	To Do. pd. Solo'n Manwaring membr of Do. warrts. 655, 656, 657, 658, 659, 654 for $20 each	120	....
#	#	To Do. pd. Jno. Harbison warrts. No. 291, 284 for $1 each Int't 14 ms.	2	14
#	#	To Do. pd. Jas. Dill Esqr. warrts. No. 222-204 for $10 each Int't 14 ms.	21	40
#	#	To Do. pd. Jno. Caldwell No. 323 for $1 Int't 14 ms.	1	7
#	#	To Do. pd. Wm. Jones No. 423 for $1 Int't 14 ms.	1	7
#	#	To Do. pd. Wm. Jones No. 422 for $1 Int't 14 ms.	1	7
#	#	To Do. pd. Jno. Johnson warrts. No. 442 for $1.44 441 for $5 Int't 14 ms.	6	42
#	#	To Do. pd. Waltr. Willson No. 399 for $5 Int't 14 ms.	5	35
#	#	To Do. pd. G. W. Johnston Nos. 349, 359, 357, 355, 350 for $5 each & 375, 376, 374, 373, 372, 371, 369, 365, 366, 363, 361, 362, 365, 364 for $1 Each Int't 14 ms	41	73
#	#	To Do. pd. Nathen Powel listr. of lands for Dearbon County year 1812	13	75
#	#	To Do. pd. Daniel Sulivan warrts. No. 588, 589, for $20 each	40	....
#	#	To Do. pd. Wm. Hendricks Clark to House of Represents Warrts. No. 639, 638, 640 for $20 each & 643 for $4	64	....
#	#	To Do. pd. Jno. Templeton membr. of Legislatr warrt. No. 229 for $10 bairer Jas. Johnson	10	....
			636	08

		Recd. into the Treasury contra—Cred't	21	
1813				
March 9		By cash recd. of Jas. Lemon Collector for County of Clark for year 1812 after allowing a Disct. of $4	40	....
#	#	By cash Recd. of Jno. Vawter Collector for Jefferson Coun'y by hand of Jas. Scott Discou't allow'd of $3: 8 Cts. for 1811	44	....
#	10	By cash Recd of Jno. Vawter Collector for Jefferson Coun'y Discount allowed $10:68	162	60
#	#	By cash Recd. of Robert Hanna Collector for Franklin County Disct. allow'd of $1:40 Cts. for year 1811	20	....
#	#	By cash Recd of Robert Hanna hand of S. Manwaring Taxes for Franklin county Disc't 66 Cts. for 1811	9	44
#	#	By cash Recd of Jas. Hamilton Collector for County of Dearbon for 1812 Disct. allowed $24:35 Cts.	243	54
#	13	By cash Recd. of G. W. Johnston Atty. General fines & forfeturs by him Collected	23	75
#	#	By cash Recd. of P. Beckes arrearage of Taxes for Knox County for year 1808 & 9	83	....
		By cash Recd. of Robert Hanna Collector for Franklin County by hand of S. Manwarin Disc't allowed 58 & 2/3 Cts. this to bair date 10 March	8	40
		Balance caried forward	1	35
			636	08

22		Acct. of cash pd. by Treasurer		
1813		To cash brought forward from p. 21.....	1	35
March 29		To cash pd. G. R. C. Sulivan warrts. No. 213 for $20 No. 214 for $10 No. 216 for $1:75 Cts. 215 for $5:75 & 217 for $1:50 Cts. Int't 13 ms.	41	53½
#	#	To cash pd. Wm. Hendriks Clark to House of Represent's warrts. No. 734 for $4, No. 644 for $3, No. 641 for $10, No. 636, 637, 635, for $20 each	77	....
April 7		To cash pd. Jno. Smith carreing express order of govr	11	....
#	#	To cash pd. Thos. Neely warrts. No. 476, 475 for $1:50 each Intrest 1 year.....	3	18
#	#	To cash pd. Wm. Prince warrts. No. 596, 599 for $10 each No. 600 for $5 Int't 1 mth	25	12½
#	#	To cash pd. R. M. Evans warrt. No. 453 for $1:50 Int't 15 ms.	1	61
#	#	To Cash pd. Jno. Badolet warrt. No. 480, $5:53 Int't 10 ms.	5	80½
#	#	To cash pd. R. M. Evans warrt. No. 450 for $5 Int't 15 ms.	5	37½
#	#	To cash pd. Elihu Stout warrt. No. 407 for $10 Int't 15 ms.	10	75
#	#	To cash pd. Jas. Dill Esqr. warrt. 206 for $10 Int't 15 ms.	10	75
#	#	To cash pd. Jno. Harbison warrts. 288, 280, 287, 278, 275, 279, 276, 286 for $20 each Intrt. 15 ms.	172	....
#	#	To cash pd. Jno. Caldwell warrt. No. 322 for $1 Int't 15 ms.	1	07½
#	#	To cash pd. Jno. Hoggett warrt. No. 219 for $10:50 Cts. Int't 15 ms.....	11	28¾
#	#	To cash pd. G. R. C. Sulivan warrt. 340 for $10 Int't 15 ms.....	10	75
#	#	To cash pd. Jno. Harbison warrts. No. 281 for $10 & 667 for $5 & 668 for $4:35 Cts. Int't on $10 15 ms.....	20	10
#	#	To cash pd. Dennis Pennington membr. of legislature warrt. No. 671, 674, 673, 675, 672 for $20 each 676 for $10, 677 for $5 & 678 for $3:20 Cts.....	118	20
#	#	To cash pd. Jno. Harbison warrt. No. 163, 164, for $20 each.....	40	....
#	#	To cash pd. Jas. Johnson Treasur'r warrts. 765 764, 763, 762, 768, 767, for $20 each 766 for $7:50 Cts	127	50

[*cont. on opposite page*]

Rec'd into Treasurey Contra . . . Credit 22

1813			
March 29	By cash Recd. of Jno. Vawter Collector for Jeferson County for year 1812 Discount of $11:90—on	119	....
April 7	By cash Recd. of Jno. Hurst by the hand of Jno. Harbison Taxes for Harrison County after a Discount of $74:22.....	668	00
	Balance caried forward		89¼
		787	89¼

[*cont. from opposite page*]

#	#	To cash pd. Jas. Johnson No. 7 for $12 Intrest on warrt. 151, & No. 5 for $23:50 Cts. Int't on warrt. 100, No. 6 for $18 Int't on 143	53	50
#	#	To cash pd. Jno. Harbison councelor warrt. No. 665, 666 for $20 each.....	40	....
			787	89

APPENDIX II

ROSTER AND SKETCHES OF MEMBERS OF THE TERRITORIAL GENERAL ASSEMBLY

ROSTER OF MEMBERS AND OFFICERS OF TERRITORIAL GENERAL ASSEMBLY

First General Assembly

First Session: July 29-August 26, 1805

Legislative Council

Samuel Gwathmey, Clark County
Benjamin Chambers, Dearborn County
John Rice Jones, Knox County
Pierre Menard, Randolph County
John Hay, St. Clair County

House of Representatives

Davis Floyd, Clark County
Jesse B. Thomas, Dearborn County
Benjamin Parke, Knox County
John Johnson, Knox County
George Fisher, Randolph County
Shadrach Bond, Sr., St. Clair County
William Biggs, Clark County

Officers

Henry Hurst, Clerk to Legislative Council
General Washington Johnston, Clerk to House of Representatives
Abraham Defrance, Doorkeeper

Second Session: November 3-December 6, 1806

Legislative Council

Samuel Gwathmey, Clark County
Benjamin Chambers, Dearborn County
John Rice Jones, Knox County
Pierre Menard, Randolph County
Shadrach Bond, Sr., St. Clair County

House of Representatives

Davis Floyd, Clark County
Jesse B. Thomas, Dearborn County
John Johnson, Knox County
Benjamin Parke, Knox County
George Fisher, Randolph County
Shadrach Bond, Jr., St. Clair County
William Biggs, St. Clair County

Officers

Samuel Hayes, Doorkeeper

Second General Assembly

First Session: August 17-September 19, 1807

Legislative Council

Samuel Gwathmey, Clark County
Benjamin Chambers, Dearborn County
John Rice Jones, Knox County
Pierre Menard, Randolph County
Shadrach Bond, Sr., St. Clair County

House of Representatives

James Beggs, Clark County
Jesse B. Thomas, Dearborn County
General Washington Johnston, Knox County
Luke Decker, Knox County
George Fisher, Randolph County
Shadrach Bond, Jr., St. Clair County
William Biggs, St. Clair County

Officers

Henry Hurst, Clerk to Legislative Council
Davis Floyd, Clerk to House of Representatives
Samuel Hayes, Doorkeeper

Second Session: September 26-October 26, 1808

Legislative Council

Samuel Gwathmey, Clark County
Benjamin Chambers, Dearborn County
John Rice Jones, Knox County
George Fisher, Randolph County
Shadrach Bond, Jr., St. Clair County

House of Representatives

James Beggs, Clark County
Jesse B. Thomas, Dearborn County
General Washington Johnston, Knox County
Luke Decker, Knox County
Rice Jones, Randolph County
William Biggs, St. Clair County
John Messinger, St. Clair County

Officers

Henry Hurst, Clerk to Legislative Council
William Jones, Clerk to House of Representatives
Jonathan Jennings, Assistant Clerk to House of Representatives
Samuel Hayes, Doorkeeper

Rump Session: October 16-21, 1809

Legislative Council

Thomas Downs, Clark County
Solomon Manwaring, Dearborn County
Harvey Heth, Harrison County
William Prince, Knox County
Luke Decker, Knox County

House of Representatives

James Beggs, Clark County
John Work, Clark County
Richard Rue, Dearborn County
Ephraim Overman, Dearborn County
Moses Hoggatt, Harrison County
John Johnson, Knox County
General Washington Johnston, Knox County
John Hadden, Knox County

Officers

James Noble, Clerk to Legislative Council (2 days)
Henry Hurst, Clerk to Legislative Council (2 days)
John Caldwell, Clerk to House of Representatives (3 days)
William Jones, Clerk to House of Representatives (3 days)
Samuel Hayes, Doorkeeper

THIRD GENERAL ASSEMBLY

First Session: November 12-December 19, 1810

Legislative Council

James Beggs, Clark County
Solomon Manwaring, Dearborn County
John Harbison, Harrison County
William Jones, Knox County
Walter Wilson, Knox County

House of Representatives

John Paul, Clark County
Thomas Downs, Clark County
Richard Rue, Dearborn County
Ephraim Overman, Dearborn County
John Templeton, Dearborn County
Dennis Pennington, Harrison County
Peter Jones, Knox County
John Caldwell, Knox County
General Washington Johnston, Knox County

Officers

Henry Hurst, Clerk to Legislative Council
James Noble, Clerk to House of Representatives
George R. C. Sullivan, Assistant Clerk to House of Representatives
John McCandless, Doorkeeper

Second Session: November 11-December 19, 1811

Legislative Council

James Beggs, Clark County
Solomon Manwaring, Dearborn County
John Harbison, Harrison County
William Jones, Knox County
Walter Wilson, Knox County

House of Representatives

Thomas Downs, Clark County
James Dill, Dearborn County
John Templeton, Franklin County
William McFarland, Jefferson County
John Caldwell, Knox County
Peter Jones, Knox County
General Washington Johnston, Knox County
Richard Rue, Wayne County

Officers

George R. C. Sullivan, Clerk to Legislative Council
John Johnson, Clerk to House of Representatives
Robert M. Evans, Doorkeeper

FOURTH GENERAL ASSEMBLY

First Session: February 1-March 12, 1813

Legislative Council

James Beggs, Clark County
Solomon Manwaring, Dearborn County
John Harbison, Harrison County
John Johnson, Knox County
Walter Wilson, Knox County

House of Representatives

James Scott, Clark County
James Dill, Dearborn County
James Noble, Franklin County
Dennis Pennington, Harrison County
William McFarland, Jefferson County
David Robb, Knox County
Daniel McClure, Knox County
Robert M. Evans, Knox County
James Brown, Wayne County

Officers

George R. C. Sullivan, Clerk to Legislative Council
William Hendricks, Clerk to House of Representatives
Benjamin Adams, Doorkeeper to House of Representatives (3 days)
Mark Barnett, Doorkeeper

Second Session: December 6, 1813-January 6, 1814

Legislative Council

James Beggs, Clark County
Solomon Manwaring, Dearborn County
John Harbison, Harrison County
John Johnson, Knox County
Walter Wilson, Knox County

House of Representatives

John Douthitt, Clark County
Isaac Dunn, Dearborn County
James Noble, Franklin County
Dennis Pennington, Harrison County
William Hendricks, Jefferson County
Daniel McClure, David Robb, Isaac Montgomery } Knox, Gibson and Warrick counties
James Brown, Wayne County

Officers

George R. C. Sullivan, Clerk to Legislative Council
Isaac Blackford, Clerk to House of Representatives
Patrick Shields, Doorkeeper

Special Session of House of Representatives: June 1, 1814

John Douthitt, Clark County
Jesse L. Holman, Dearborn County
James Noble, Franklin County
Dennis Pennington, Harrison County
William Hendricks, Jefferson County
Daniel McClure, David Robb, Isaac Montgomery } Knox, Gibson and Warrick counties
James Brown, Wayne County

Officer

Isaac Blackford, Clerk

FIFTH GENERAL ASSEMBLY

First Session: August 15-September 10, 1814

Legislative Council

Jesse L. Holman, Dearborn and Jefferson counties
John Test, Franklin and Wayne counties
David Robb, Gibson and Warrick counties
John Harbison, Harrison and Clark counties
John Johnson, Washington and Knox counties

House of Representatives

Charles Beggs, Clark County
Ezra Ferris, Dearborn County
James Noble, Franklin County
James Smith, Gibson County
Dennis Pennington, Harrison County
William Hendricks, Jefferson County
William Polke, Knox County
Ratliff Boon, Warrick County
Marston G. Clark, Washington County
James Brown, Wayne County

Officers

George R. C. Sullivan, Clerk to Legislative Council
Isaac Blackford, Clerk to House of Representatives
Alpheus Branham, Doorkeeper

Second Session: December 4-28, 1815

Legislative Council

Solomon Manwaring, Dearborn, Jefferson and Switzerland counties
James Noble, Franklin and Wayne counties
David Robb, Gibson and Warrick counties
John Harbison, Harrison and Clark counties
John Johnson, Washington and Knox counties

House of Representatives

Charles Beggs, Clark County
Ezra Ferris, Dearborn County
David Mount, Franklin County
James Smith, Gibson County
Dennis Pennington, Harrison County
Christopher Harrison, Jefferson County
William Polke, Knox County
Peter Wilkinson, Perry and Posey counties
Elisha Golay, Switzerland County
Ratliff Boon, Warrick County
Marston G. Clark, Washington County
Joseph Holman, Wayne County

Officers

George R. C. Sullivan, Clerk to Legislative Council
William Hendricks, Clerk to House of Representatives
Henry Batman, Doorkeeper

SKETCHES OF MEMBERS OF THE TERRITORIAL GENERAL ASSEMBLY

CHARLES BEGGS was born in Rockingham County, Virginia, on October 30, 1770. He was the son of Thomas and Sarah Barnes Beggs, both of Irish descent, and brother of James and John Beggs. His father, a Revolutionary soldier, serving in the Commissary Department, died in 1779 or 1780. Charles married Dorothy Trumbo, of Rockingham County, on August 1, 1797, and they emigrated to Kentucky. Their first child, Elizabeth, was born in Kentucky. Shortly thereafter, they came to Clark County, Indiana Territory. Five more children were born to them: Sarah, Mary Ann, George, Susan, and Rebecca. The last two died while quite young. After the death of his first wife in May, 1811, Charles Beggs married, on November 12, 1812, Mary Ruddell or Riddle, of Woodford County, Kentucky, by whom he had nine children: Cornelius, Thomas, Henry or Harry, James Lemon, Margaret, Charles, Dorothy, Isaac W., and John.[1]

Charles Beggs came to Indiana Territory shortly after its organization. He and his two brothers each purchased five hundred acres in Clark's Grant and settled down to farming their land.[2] In 1807 he helped lay out the town of Charlestown which was named after him. Beggs was well educated, was a Methodist, and violently antislavery. He went as a delegate from Clark County to the Vincennes convention on slavery in 1802, along with James N. Wood.[3] He must have been exceedingly disappointed with the proceedings of that meeting. In 1807 he and his brothers took a leading part in the mass meeting held in Springville, Clark County, to take a stand against the proslavery memorial of the territorial Assembly.[4]

Beggs was nominated by the House of Representatives in 1808 for membership in the Legislative Council along with Hugh McCalley. McCalley was chosen by the President and confirmed by the Senate.[5] Beggs was elected to serve two terms in the territorial House, in 1814 and 1815, and was also a member of the state House of Representatives in the sessions of 1817-18 and 1818-19.

Beggs was commissioned a captain in the First Regiment of Indiana militia in 1806, and in the Battle of Tippecanoe he commanded his own company of light dragoons.[6]

In 1829 he left Indiana and moved to Morgan County, Illinois, where he bought land and settled with his family. He maintained his antislavery sentiments, became an ardent Whig, and was bitter against the South during the Civil War. He lived to be over ninety-two, dying around the year 1870.[7]

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1 Correspondence in biographical file, English Collection, Indiana Historical Society Library; John W. Wayland, *Virginia Valley Records* . . . (Strasburg, Va., 1930), 9. 2 Dunn, *Indiana,* 356. 3 Certificate of

election, December 8, 1802, in English Collection. [4]*Ante,* 154n. [5]*Ante,* 196n. [6] Territorial *Executive Journal,* 136; Pirtle, *Battle of Tippecanoe,* 36, 123. [7] Notes in biographical file, English Collection.

JAMES BEGGS, son of Thomas and Sarah Barnes Beggs, was born on April 4, 1760, in Rockingham County, Virginia. He was a brother of Charles and John Beggs. He moved to Kentucky, and then to Indiana Territory, settling in Clark's Grant. One source says that he came to Indiana as early as 1797. Another source puts it as late as 1806 or 1807.[1] He married Mary Custer on August 28, 1794, in Rockingham County.[2] They had eight children that grew to maturity, four sons and four daughters. Of his sons, John B. was a merchant; Stephen R., a Methodist minister; Thomas, a physician; and Charles, a farmer. The family were all staunch Methodists.[3]

James Beggs was educated at William and Mary College. He was interested in books and learning and his erudite manner of speaking and writing won him the appellation of Mr. Syntax. There is a story that General Harrison maintained that James Beggs was the most controlled man that he ever knew, witness the fact that when the legislature was shaken by the earthquake in 1811, and the other members were frightened half out of their wits, "Uncle Jimmy sat quietly reading his Bible."[4]

Soon after the family settled in Indiana they were afflicted with a severe fever. Beggs caught cold during his convalescence and for a number of years suffered so severely from rheumatism that he was unable to work his land. His poor health may account for his late arrival at the 1808 session of the Assembly. It was said that during the Indian hostilities his home was a fortress for the neighborhood, and during peace it was a hospitable Methodist tavern, open to visitors and travelers and those in need.

Beggs gave bond as an assessor in Clark County in 1809.[5] He served as a member of the House of Representatives in 1807, 1808, and 1809, and served as a member of the Council in the sessions of 1810, 1811, 1813, and 1813-14.

Like his two brothers James Beggs was ardently antislavery. He played a leading role in the Springville meeting in 1807, helping draft the resolutions opposing the proslavery memorial of the General Assembly. There was a story handed down in the family that during the 1810 session of the Assembly (for which no Journals survive) Beggs, who was president of the Legislative Council, cast the deciding vote in favor of the bill repealing the 1805 act concerning the introduction of negroes and mulattoes into the Territory.[6]

Beggs served in the state Senate from 1816-20. He was commissioned a justice of the peace in Clark County on April 1, 1822.[7] He died on May 13, 1835. His wife had died on July 7, 1833. Both are buried in the Salem Methodist Cemetery at Charlestown.[8]

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[1] Lewis C. Baird, *Baird's History of Clark County, Indiana . . .* (Indianapolis, 1909), 56; Stephen R. Beggs, son of James Beggs, says in

his *Pages from the Early History of the West and Northwest* (Cincinnati, 1868), that he, Stephen, was born in Rockingham County, Virginia, and that four years later the family moved to Kentucky, and two years later (1807) to Indiana. This seems late since Beggs was elected to his first term in the Assembly in 1807. [2] John W. Wayland, *A History of Rockingham County Virginia* (Dayton, Va., 1912), 448. [3] Biographical notes in English Collection, Indiana Historical Society Library. [4] *Ibid.* [5] Copy of bond is in *ibid.* [6] Dunn, *Indiana,* 405, 406. [7] *Executive Proceedings, 1816-36,* p. 212. [8] Biographical file, English Collection.

WILLIAM BIGGS. See Philbrick (ed.), *Laws, 1801-9,* pp. ccxlix-ccl.

SHADRACH BOND, JR. See *ibid.,* ccxlvii.

SHADRACH BOND, SR. See *ibid.,* ccxlvi-ccxlvii.

RATLIFF BOON was born on January 18, 1781. There is uncertainty about the place, one source giving North Carolina as his birthplace while his grandson says that he was born in Georgia.

While still a boy he emigrated with his family to Warren County, Kentucky. He learned the gunsmith's trade in Danville, and came to what became Boon Township in Warrick County, Indiana Territory, in 1809. He was about five feet ten inches in height, spare in person, and very erect. His face was marked by a low receding forehead. He was lithe and active, courageous and self-reliant.

Upon the organization of Warrick County in 1813, he became county treasurer. He was commissioned a lieutenant in the territorial militia in 1812, became a captain in 1814, and a major in 1815. In 1817, under the state regime, he was elected colonel of the Tenth Regiment.

Boon was elected to the territorial House of Representatives and served in the 1814 and 1815 sessions. Following statehood, he served in the House in the 1816-17 and 1817-18 sessions. He was then elected to the state Senate and served in the 1818-19 session, resigning his seat on May 27, 1819. The following August he was elected lieutenant governor of the state, at the time Jennings was re-elected governor. Upon Jennings' resignation to accept a seat in Congress in 1822, Boon filled out his unexpired term as governor, serving from September 12 to December 4, 1822. In August, 1822, he was re-elected lieutenant governor, when William Hendricks was elected governor. He served until 1824, when he resigned to become a candidate for Congress in the First District. He was successful, but was defeated two years later by Col. Thomas H. Blake. He was re-elected in 1831, 1833, 1835, and 1837. In 1836 he was a candidate for the United States Senate but was defeated by Oliver H. Smith.

In 1838 Boon moved from Indiana to Pike County, Missouri, and soon became a political leader there. The Democratic party in that state was in the autocratic clutches of Thomas Hart Benton, and Boon became the leader of the reform opposition forces. He announced himself a

candidate for Congress in 1844, but the state of his health forced him to withdraw from the contest He died on November 20, 1844, and is buried in the Louisiana Cemetery, Pike County, Missouri.

This account is taken primarily from Woollen, *Sketches,* 42-50, and the *Biographical Directory of the American Congress,* 716. See also Territorial *Executive Journal,* 186, 208, 236; *Executive Proceedings, 1816-36,* p. 49.

JAMES BROWN is one of the more shadowy figures that sat in the territorial Assembly. Very little is known about him. He apparently was esteemed by his colleagues and served faithfully on many important committees. No birth date has been found, though indications are that upon his death in 1814 he was still a young man.

He was elected to the House in 1812, and served in the 1813 and 1813-14 sessions. He was re-elected in 1814, defeating Joseph Holman by one vote. An old resident of Wayne County described this last election as follows: "At the election held in 1814 to elect members of the legislature, James Brown received one more vote than Holman; and as they voted *viva voce,* when one man came up and voted for Brown, some one said, 'I thought you intended to vote for Holman?' 'So I did,' was the reply, 'but let it stand now.' That vote elected Brown." However, one interesting feature is omitted in this story—Brown had voted for himself, and had Holman voted for himself instead of for Brown, he would have defeated his opponent, but this he refused to do.

According to Andrew Young, Brown died before the close of the 1814 session. He was present in the House on September 6. On the following day James Noble was appointed to the committee on enrolled bills, a position Brown had filled; Brown's name does not appear in the Journal after the 6th. However, if he actually died before the close of the session it is strange that no mention is made of it in the Journal.

The earliest mention found of Brown in Wayne County is in the "Memoir of Henry Hoover," which says, "During this period [1808-9] I concluded to enter myself as a scholar to learn the rules of English Grammar, James Brown as Teacher. He was a young man from Kentucky. . . . "

Brown was licensed to marry Peggy Smith on May 17, 1811. The marriage was performed by Judge Jeremiah Meek on May 25. Brown was appointed one of the three trustees to plat the town of Salisbury after the selection of this site as the Wayne County seat of justice. No militia commission appears for him in the Territorial *Executive Journal.* However, in a letter to Harrison of March 17, 1812, Col. George Hunt wrote, "I obeyed your Order Respecting the Second Major in the 8th Regt. James Brown was re-elected altho' it was with some persuasion that his name cou'd run. He is a decent young Man I commissioned him immediately."

Young, *History of Wayne County,* 118, 179; "Memoir of Henry Hoover," typewritten copy in Indiana Historical Society Library from

original in possession of Jack Thomas, Des Moines, Iowa; Irene Macy Strieby, "Wayne County Marriage Records, 1811-1817," in *Indiana Magazine of History,* 40(1944):89; Esarey (ed.), *Messages and Letters,* 2:28; Walter E. Spahr, "History of Centerville" (1914), typewritten MS. in Indiana State Library.

JOHN CALDWELL. According to one source John Caldwell was a native of Delaware. Other sources give his birthplace as Pennsylvania, one saying specifically Brownsville, Pennsylvania. Politically he was a Jeffersonian Democrat, in religion a Presbyterian. Just when he came west is not known. On December 22, 1807, he married Rebekah Barckman, of Vincennes. Following her death he married, on February 10, 1814, Sally Badollet, daughter of John Badollet, register of the Vincennes Land Office. They had five children, Eliza, John B., William L., Margaret, and Martha.

Caldwell served as clerk *pro tem.* of the House of Representatives in 1808, and as part-time clerk in 1809. He was a member of the House from Knox County in the 1810 and 1811 sessions. In 1812 he was appointed receiver at the land office at Kaskaskia, and later, in 1814, to the same office in Shawneetown. He opened a merchandise business in Shawneetown where he lived until his death on December 18, 1835.

U. S. *Official Register,* 1821; *History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties, Illinois* . . . (Chicago, Goodspeed Publishing Co., 1887), reference supplied by the librarian of Harrisburg, Illinois; Vincennes *Western Sun,* December 23, 1807, August 4, 1812, February 19, 1814; Knox County Marriage Licenses, 1807-20, photostat copy in Genealogy Division, Indiana State Library, 8, 80; U. S. Senate *Executive Journal,* 2:242, 531, 532; John Caldwell MS. Collection, Indiana Historical Society Library.

BENJAMIN CHAMBERS was the son of Col. James and Katharine Hamilton Chambers. He was born in Chambersburg, Pennsylvania, in 1764, and served as a very young man in the Revolution. He was in his father's regiment of Pennsylvania militia, and was commissioned an ensign on June 2, 1778, and promoted on September 13, 1779, to lieutenant. In 1790 he came west with the surveyor Israel Ludlow, his brother-in-law, and settled for a few years in Cincinnati. Ludlow held several surveying commissions in these years, and it is probable that Chambers helped him. He lived in Dayton for a few years, and it was here that his first wife died. Chambers married then a Miss Kemper, of Cincinnati, daughter of a Presbyterian clergyman.

In 1799 Chambers came to present-day Dearborn County, Indiana. He and William Ludlow were responsible for most of the surveying of this county. In 1804 Chambers was nominated as surveyor for division no. 3 of the Cincinnati district which included part of the "gore" in southeastern Indiana. On one early visit to this area he was so delighted with the land that he and Lewis Davis, another brother-in-law, entered

fractional sections 1, 2, and 3, town 3, range 1, now in Ohio County at the site of Rising Sun. In 1802 he surveyed and laid out the town of Lawrenceburg for its proprietor, Samuel C. Vance, and when Vance failed to meet the payments on the land, Chambers re-entered the land and became proprietor. He later built a frame house in the town on the river near James Dill's home.

At the organization of Dearborn County in 1803, the seat of justice was placed at Lawrenceburg. Chambers was commissioned a judge of the court of common pleas, March 7, 1803, and was recommissioned on December 14, 1805. He resigned as judge in 1810. He was also commissioned a lieutenant colonel in the militia (March 7, 1803).

Chambers made a contract with John Badollet in 1807 to open certain roads in Indiana Territory. Badollet, register at the Vincennes Land Office, was authorized to let such a contract by the Secretary of the Treasury. There were three roads to be opened: (1) from Vincennes to the Indian boundary line established by the Treaty of Greenville in the direction of North Bend, (2) from Clarksville north to intersect the first road, and (3) from Vincennes to the Mississippi opposite St. Louis. Chambers had difficulties over his contract with Badollet and the account was not settled until 1811.

Chambers was a member of the Legislative Council during the first two Assemblies, but he failed to take his seat during the 1808 session. He was probably occupied by road contracts and other business affairs. He and a group of citizens from Cincinnati and Lawrenceburg became interested in trade between that region and New Orleans. Produce of the country was carried to New Orleans and traded for sugar, tea, coffee, and other imports. The goods was carried by barges conveyed by sails and it required ninety days to make a return trip. Chambers owned one of these barges.

The introduction of the steamboat brought ruin to this mode of transport and Chambers sold out and moved to Missouri, one report says in 1817 and another 1820. In Missouri he settled in Saline County, where he served as county clerk for fifteen years. He also served as an elder in the Saline "Union" Presbyterian Church. He is described as a man of piety, culture, and force. He was well bred, had a fine presence, and was over six feet tall. He had several children, one report says four sons and two daughters.

Chambers died August 27, 1850, and is buried at Old Cambridge, Saline County, Missouri.

Sketch of Chambers by James Morrison and other material in the biographical file, English Collection, Indiana Historical Society Library; *Pennsylvania Archives,* 5th series, 2: 631; *History of Dearborn, Ohio, and Switzerland Counties, Indiana* . . . (Chicago: Weakley, Harraman & Co., 1885), 101, 241, 250; Archibald Shaw (ed.), *History of Dearborn County, Indiana* (Indianapolis, 1915), 116, 186, 230, 231; Rising Sun *Local,* April 1, 1893; Territorial *Executive Journal,* 116, 117, 130, 157, 167; Carter (ed.), *Territorial Papers,* 7: index under Chambers; 8:55-56, 67-68, 101,

128; J. L. Woodbridge, "Presbyterianism in Saline County, Missouri," in *Missouri Historical Review,* 1(1906):269-70.

MARSTON G. CLARK was born in Lunenburg County, Virginia. A sketch in the English Collection in the University of Chicago Library gives his birth date as September 12, 1769, while Stevens, *History of Washington County,* gives it as December 12, 1771. He was the son of Benjamin Clark, and a cousin of George Rogers Clark. He was a large man, with a strong, commanding appearance. He was not a church member, but was good, honest, and generous with his fellowmen. His great fault was a violent and ungovernable temper.

Clark came to Clarksville as early as 1790. He served in the Indian campaigns under General Wayne, during which time his friendship with William Henry Harrison probably began. Following his marriage to Lucy Green Harper in 1798 he moved to Louisville. Two years later, at Harrison's suggestion, he moved to Indiana Territory, where on July 4, 1800, he was commissioned a justice of the peace. The following year he was appointed judge of the court of common pleas and surveyor of the newly created county of Clark. In 1803 he was licensed to operate a ferry across the Ohio at Jeffersonville. He was nominated by the House of Representatives in February, 1805, for a seat in the Legislative Council, but was not appointed.

On September 20, 1803, he was commissioned with the rank of lieutenant colonel. During the Tippecanoe expedition he served on Harrison's staff with the rank of brigade major It was Clark and Waller Taylor who chose the site of the army's encampment before the battle.

In 1813 Clark moved into the newly organized county of Washington, where he participated in selecting the site of the county seat and laying out the town of Salem on the location. After representing Washington County in the territorial legislature from 1814 to 1816, he served in the state House of Representatives in the sessions of 1820-21 and 1835-36. He was also a member of the state Senate in the sessions of 1821-22, 1822-23, 1826-27, and 1828-29. In 1819 he announced himself as a candidate for governor in opposition to Jennings, but later withdrew. During the interval between 1829 and 1835 Clark served as Indian agent and subagent on the Kansas River. He held the post of Grand Master of the Grand Lodge of Indiana from 1825 to 1826. He participated in the presidential campaign of 1840, supporting his old friend William Henry Harrison. He died at Salem on July 25, 1846.

Warder W. Stevens, *Centennial History of Washington County, Indiana. . .* (Indianapolis, 1916), 232-38; Territorial *Executive Journal,* 92, 100, 101, 112, 121, 163; Esarey (ed.), *Messages and Letters,* 1:612, 3:22n; U. S. *Official Register,* 1829, 1831, 1833; McDonald, *A History of Freemasonry in Indiana,* 335-36; tombstone record, Salem, Indiana.

LUKE DECKER was born about 1760 in Pennsylvania, son of John (Johannes) and Diana Kuykendall Decker. He served in the Revolution

as a private under Capt. Edward Baxter in the militia of Chester County, Pennsylvania. He came to Knox County in 1784. His father and three of his brothers, Joseph, Abraham, and Moses, also came to Indiana about this time. Land which they obtained soon after their arrival was confirmed to them when the Vincennes land claims were settled.

Decker's first wife was Sarah Kuykendall whom he married in 1789. By her he had three sons, John, Hiram, and Asa. Following her death he married, in 1807, Trenny Claypool.

Decker soon became a leader in political affairs in the Territory. On July 23, 1790, he joined with Antoine, Paul, and Pierre Gamelin, Francis Vigo, Henry van der Burgh, and other prominent citizens of Vincennes in sending a letter to Winthrop Sargent, secretary of the Northwest Territory, expressing their personal respect for him and their approbation of his adjustment of land claims in the district. They also expressed their respect and admiration for the administration of Major Hamtramck, commander at Vincennes before the arrival of Governor St. Clair's deputy.

On July 3, 1790, Decker was appointed a justice of the peace for Knox County and on July 5, 1792, a judge of the court of common pleas, and reappointed October 24, 1797. On June 26, 1790, he was commissioned a lieutenant in the First Regiment of the militia and two years later (July 5, 1792) raised to rank of captain.

Under the Indiana territorial regime he continued as justice of the peace and judge of the court of common pleas. On January 7, 1814, he received an appointment as judge of the Circuit Court of Knox County. He also served as trustee of Vincennes University. On July 20, 1802, he was promoted to the rank of major in the militia, and on May 5, 1810, he was commissioned lieutenant colonel commanding, vice Francis Vigo resigned.

Decker took a leading part in the Battle of Tippecanoe and was wounded. For his service there he was commended by the General Assembly. He also served as chairman of a meeting of the officers and privates of the militia corps of Knox County who served at Tippecanoe which passed a series of resolutions laudatory of the action of Harrison at the time of the battle and defending the action of the militia.

His service in the territorial legislature was limited to the second Assembly and the Rump Session of 1809. Decker was a proslavery man, having brought slaves with him into the Territory. It was he, not Luke Decker Jr., as Dunn says, who was sued by his two slaves, Bob and Anthony, for their freedom in 1817. They were the sons of the slave Dinah brought to the Territory by Decker prior to 1787. They gained their freedom after a trial extending over a period of five years. During his legislative service Decker was proslavery, pro-Harrison, and against division of the Territory.

Decker died in March, 1825, and is buried in the Decker Graveyard, Decker Township, Knox County.

Roster of Soldiers and Patriots of the American Revolution Buried in Indiana (Indiana Daughters of the American Revolution, 1938), 118;

Carter (ed.), *Territorial Papers,* 2:291-92; 3:314, 316, 380, 414, 490; 8:81-82 Territorial *Executive Journal,* 91, 96, 109, 131, 161, 206; Esarey (ed.), *Messages and Letters,* 1:678-80; Dunn, *Indiana,* 432; Helen Kackley to Caroline Dunn, November 24, 1939, in Genealogy Division, Indiana State Library.

JAMES DILL was born in Dublin, Ireland, in 1772, son of William (?) Dill.[1] His mother's maiden name was Hamilton. He came to America shortly after the American Revolution and joined Gen. Anthony Wayne's army at Cincinnati. His appearance was pleasing to the General who attached him to his staff as an aide. He served through Wayne's Indian campaign with William Henry Harrison, also an aide, and following the Treaty of Greenville, went to Cincinnati where he lived for eight years.

He entered the law office of Arthur St. Clair, Jr., in Cincinnati, where he studied and began to practice. Here he became an intimate of the St. Clair family and of Samuel C. Vance, his close friend for many years. Dill married Mrs. Eliza Lawrence, widow of Capt. John Lawrence and daughter of General St. Clair. Mrs. Lawrence, some years Dill's senior, had several children whom Dill took into his home. One of the daughters became the wife of Vance, and another married Thomas Randolph who fell at the Battle of Tippecanoe. Dill adopted Randolph's young daughter Mary (later Mrs. William Sheets) into his family after her father's death. Dill and Eliza Lawrence had one son, Alexander Hamilton Dill.

In order to support his large family Dill opened a store in Cincinnati in partnership with Vance in 1802, and went to Philadelphia and Pittsburgh to purchase their merchandise.[2] The business was not successful, and the next year he and Vance moved to Indiana into the newly created county of Dearborn where they had entered land. They immediately became the political leaders and patronage dispensers of the new county.

On January 31, 1803, Governor Harrison wrote to Vance announcing the creation of Dearborn County and asked him to recommend persons to fill the various county offices and to inform him about the wishes of the people in the district in regard to the location of a county seat.[3] When the appointments were made Vance became clerk and Dill recorder. (Dill served as recorder only a few months, being succeeded on August 30, 1803, by James Hamilton.)[4] The seat of justice was fixed at Lawrenceburg, of which Vance was founder and original proprietor. Dill moved to Lawrenceburg and built a house on the river for his large family. He served as postmaster of the town for a few years.[5]

Dill was a gentleman of the old school whose courtly manners and stately attire lent dignity and refinement to frontier life and made a deep impression on those with whom he was associated. Allen Hamilton, a cousin, and Oliver H. Smith studied law in his office. Smith described his preceptor as "frank and open in his intercourse with others, about

common height" with "a long cue," and "dressed with taste, features good, eyelids heavy, hair thrown back in front." He was slender, weighing not over one hundred fifty pounds, about five feet eight inches in height. He remembered an evening party at the Dills in 1818, attended by Vance and Governor Harrison among others, when Vance and Dill marched up and down to the blaring music of a fife and drum. The Dill home was known for its hospitality. Whist, euchre, and backgammon parties were often in progress there during the evening.[6]

In the courtroom Dill was an arresting figure. William Steele Holman called him "a grand character in the history of Dearborn," who preserved the spirit of Westminster, the pomp and show of English law in the courts of the county. "When General Dill appeared in court," he wrote many years later, "it was in the full costume of the gentleman of the last century—his knee breeches and silver buckles and venerable cue neatly plaited and flowing over his shoulders, seemed a mild protest against the leveling tendencies of the age; but nothing could impair the hold which the gallant soldier and courtly and witty Irishman had on the friendship of the people of this county."[7]

Dill's most significant public service was that of clerk of Dearborn County. He was appointed by Governor Posey on September 10, 1813, and held the office until his death in 1838, being elected three times to the post under the state laws.[8] He performed his duties conscientiously and kept his records with meticulous care.

During the War of 1812 Dill was active in protecting the white settlements from Indian attack. On March 21, 1809, he was commissioned a captain in the Dearborn militia; on March 17, 1812, he received the rank of colonel. The following September, fearful of raids by the Delawares, he had circulated through the Whitewater Valley a handbill inviting volunteers to join in an expedition to destroy the tribe. He abandoned his project, but did help organize a company in Dearborn County, commanded by Capt. James McGuire, which was to join Harrison in his northern campaign. The company advanced as far as Piqua, then was called back to Lawrenceburg to guard the frontier.[9]

Dill's loyalty and support of Harrison was unwavering. In February, 1813, following Harrison's defeat at the River Raisin, Dill served as secretary of a meeting of the members of the territorial Assembly who were also militia field officers and had a personal knowledge of the military talents of General William Henry Harrison. James Noble was chairman. The purpose of the meeting was to draft resolutions to be sent to the President recommending a higher commission for Harrison in the Army, and stating that his retirement from command of the Northwestern Army at that particular time would be a national calamity.[10]

By 1814 enrollment in the Indiana militia showed a sufficient strength to divide it into divisions and brigades, and Governor Posey recommended the appointment by the President of three major generals and six brigadier generals, and forwarded the names of persons whom he recommended for the appointments. Only one major general and two brigadier generals were allowed; Joseph Bartholomew receiving the first position

and James Dill and Walter Wilson the second. The appointments were confirmed on January 15, 1816.[11]

Dill also served as prosecuting attorney in Dearborn and Jefferson counties (commissioned December 13, 1810) and in Franklin and Wayne counties (commissioned August 15, 1814, and March 6, 1815).[12]

Politically, in the territorial period, Dill was pro-Harrison, championing his side against the ambitious young Jennings. In later years he was an ardent Clay man, toasting him thus on a gala Fourth of July: "*Henry Clay*—The interests of the West, Agriculture, Domestic Manufacture, and Internal Improvements are safe in his hands. . . . "[13]

His service in the territorial Assembly covered two sessions in the House—the second session of the third Assembly (1811) and the first session of the fourth Assembly (1813). During the 1811 session a memorial was passed addressed to Congress, praying that the Territory be admitted into the Union. Dill, Peter Jones, and Richard Rue voted nay, and Jones and Dill drafted a protest against it, basing their opposition on the following factors: (1) the population of the Territory was too small and thinly spread; (2) financial conditions of the Territory were in a miserable state; (3) the citizens of the Territory were enjoying under the territorial government all the "blessings and benefits" of state government at about one quarter of the cost of a state government.[14]

In 1814 Dill was selected as one of the commissioners to erect a bridge over Tanner's Creek near Lawrenceburg, and also one of the commissioners to locate the seat of justice of Switzerland County.[15] That same year he served as secretary of the commission appointed to treat with the Northwestern tribes of Indians at Greenville. He kept a long journal of the proceedings which lasted from July 1 to July 23, 1814, and signed the treaty on July 22. He also served as secretary to the commissioners at the treaties of St. Marys in 1818 and signed the treaties concluded with the Potawatomi, Wea, Delaware, and Miami. His dignified presence and formal manner must have added an impressive note to the councils with the red men. He applied for a similar position with the 1826 treaty commissioners, but failed to secure the appointment.[16]

Dill was a member of the Constitutional Convention of 1816 and doubtless took a leading part. His realistic comments on the assemblage to his friend Vance were: "My own prospects in the arrangement of the future state are such as will be pleasing to myself and gratifying to my friends—The Truth is Talents are most damnably lacking here—and who has but a moderate share is looked upon as a great man."[17] What particular personal interest Dill was achieving is not known. He continued on as clerk and for several years as recorder in Dearborn. For ten sessions of the General Assembly he was elected secretary of the Senate—1817-18, 1818-19, and from 1822-23 session through the 1829-30 session. In 1825 he considered running for the U. S. Senate, but, as he wrote to Vance, by so doing he would incur the opposition of the friends of Noble and Jennings and decided against it. He enjoyed his secretaryship—it was a "decent place," and gave him "powerful influence" in passing laws and serving his friends.[18]

Dill died on August 10, 1838, after a lingering illness, and is buried at Lawrenceburg.[19]

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[1] In the biographical files of the English Collection in the University of Chicago Library, there is a sketch of Dill by Samuel Morrison and another by Dill's step-granddaughter Mary Randolph Sheets. The latter gives the date of Dill's birth as 1753, while the former gives 1772. According to the census record Dill was between fifty and sixty years old in 1830, which would make the 1772 date correct. These sketches serve as sources for this account. [2] See letters and documents in Vance Collection, Indiana Historical Society Library. [3] See letter in Harrison Miscellaneous Collection, Indiana Historical Society Library. [4] Territorial *Executive Journal,* 117, 121. [5] *History of Dearborn, Ohio, and Switzerland Counties,* 244. [6] Oliver H. Smith, *Early Indiana Trials and Sketches* (Cincinnati, 1858), 172. [7] Quoted in *History of Dearborn, Ohio and Switzerland Counties,* 148-49. [8] Territorial *Executive Journal,* 201; *Executive Proceedings, 1816-36,* index. [9] Territorial *Executive Journal,* 154, 180; Cincinnati *Liberty Hall,* September 15, 22, 1812. [10] Carter (ed.), *Territorial Papers,* 8:239-40. [11] Esarey (ed.), *Messages and Letters,* 2:630, 648-49, 685; U. S. Senate *Executive Journal,* 1815-29, pp. 23-24. [12] Territorial *Executive Journal,* 167; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 836, 839, 847, 862. [13] Lawrenceburg *Indiana Palladium,* July 8, 1825. [14] Carter (ed.), *Territorial Papers,* 8:147-48. [15] Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 540, 737. [16] Kappler (ed.), *Indian Affairs. Laws and Treaties,* 2:107, 168-69, 169-70, 170-71, 171-74; *American State Papers. Indian Affairs,* 1:828-36; Robertson and Riker (eds.), *John Tipton Papers,* 1:540-41n, 545, 558n, 563. [17] Letter of June 16, 1816, in Vance Collection. [18] Letter of December 17, 1825, in *ibid.* [19] Lawrenceburg *Political Beacon,* August 25, 1838.

JOHN DOUTHITT. At a special election in 1812 John Douthitt was elected to the territorial House of Representatives to fill out the uncompleted term of James Scott who resigned upon his appointment as judge of the General Court. Douthitt served in the 1813-14 session and in the special session of the House in 1814. His public career was not spectacular, but his long service as recorder of Clark County, from 1820 to 1844, indicates his steadiness and the regard which the citizens of Clark had for him.

Douthitt was a Pennsylvanian by birth. He came West to Louisville and settled in Clark County by 1802. He served as a member of the grand jury in the April term of the court of common pleas. He married Jane Wood, sister of Judge James Noble Wood. He was appointed a justice of the peace on December 1, 1806, and served as the first postmaster at Charlestown, the office being opened on October 30, 1812. In 1811 he was recommended for appointment as associate judge of the court of common pleas for Clark County to succeed Thomas Downs. The appointment, however, had already been given to Daniel Graham. In July, 1822, when a newspaper attack was launched against Governor

Jennings, Douthitt signed a statement refuting certain of the charges. Douthitt was elected recorder of Clark County and commissioned on August 19, 1820, and continued in that office until 1844. He died in 1852, his will being probated April 9, 1852. Both he and his wife are buried at Charlestown.

C. P. Ferguson to William H. English, n.d. in English Collection, biographical file, Indiana Historical Society Library; Order Book of the Court of Common Pleas, Clark County, 1801-5, Microfilm in Genealogy Division, Indiana State Library; Territorial *Executive Journal,* 137, 173; Carter (ed.), *Territorial Papers,* 8:233n; *Executive Proceedings, 1816-36,* pp. 145, 383, 386; John T. Chunn and others to William H. Harrison, April 30, 1811, English Collection; Dorothy Riker (ed.), *Unedited Letters of Jonathan Jennings* (Indiana Historical Society *Publications,* vol. 10, no. 4, Indianapolis, 1932), 244.

THOMAS DOWNS, the son of James Downs, was born October 1, 1765, in Baltimore. His father was of Scotch-Irish descent. His mother, whose maiden name is not known, was English. Nothing is known of his youth and education. He was a tanner by trade. Perhaps he had lived in Pennsylvania for a time. On March 2, 1789, a marriage license was granted to Thomas Downs and Priscilla Stewart in Jefferson County, Kentucky. Priscilla Stewart, a daughter of James and Rebecca (Merchant) Stewart, was born near Red Stone Old Fort, now Brownsville, Pennsylvania, where her parents had migrated from Frederick County, Virginia (now Berkeley County, West Virginia).

According to one account Thomas and Priscilla Downs had four children—Robert, William, James, and Elizabeth. Another account lists but three—James, born in 1791 in Jefferson County, Kentucky; Elizabeth, born in 1794 in the same county; and William, no record of birthplace given. William was drowned in a vat in his father's tannery in Louisville, and it is said that this event so grieved his father that he gave up his trade and became a farmer. He sold the land on which the family was living and received from his father-in-law a tract of land in Clark's Grant, and the family moved to Indiana. The deed is dated August 7, 1799.

The land was heavily wooded and Downs worked hard to clear it. According to his great-granddaughter he took his wife and children into the woods with him while he worked to watch for Indians. And as he worked he recited page after page of Pope's translation of the *Iliad* and other works of Pope and of Burns. Downs had a large library for a pioneer home.

In personal appearance he was fine looking—six feet three inches tall and weighed over two hundred pounds, with dark blue eyes, light hair, ruddy complexion. He was somewhat stern and dignified, yet pleasant and a good conversationalist. The family were Baptists, members of the Silver Creek Church.

On February 1, 1801, Downs was appointed judge of the court of common pleas of the newly created Clark County. He held this office for

ten years. He also served for a year as county treasurer—from February 4, 1801, to January 29, 1802. His service in the Assembly was limited to the Rump Session of 1809, when he was a member of the Council, and to the two sessions of the Third Assembly when he was a member of the House.

Downs died February 27, 1824, at the age of fifty-nine. His will, which he made April 19, 1813, was probated June 21, 1824. His heirs were his wife Priscilla and children Elizabeth and James.

Biographical file, English Collection, Indiana Historical Society Library; letter from John D. Long, descendant of Thomas Downs, to Indiana Historical Bureau, October 7, 1935; Clark County, Will Record B, 299-300; Territorial *Executive Journal,* index.

ISAAC DUNN was elected to the House of Representatives in 1813 to fill out the uncompleted term of James Dill. He was born in New Jersey on September 27, 1785, the son of Capt. Hugh and Mercy Dunn. When he was five, the family emigrated west, coming down the Ohio, and landing at Columbia in present Hamilton County, Ohio, on December 15, 1788. A few years later they moved down the river to Fort Hill where they lived during the perilous period of St. Clair's and Wayne's campaigns. Capt. Hugh Dunn died in 1804 and was buried near Elizabethtown.

Isaac Dunn was a self-educated and self-made man. He was considered "a fair scholar, a good scribe and ready reconer." He was a faithful member of the Methodist Church. Dunn married Frances Piatt, daughter of Capt. Jacob Piatt, of Boon County, Kentucky, in 1804. They had twelve children. Following her death on June 4, 1840, he married, on March 12, 1843, Harriet Protzman Hunter.

Dunn launched his mercantile business in Lawrenceburg in 1806, in partnership with John R. Beaty and Stephen Ludlow. Beaty moved to Brookville but Ludlow and Dunn continued their partnership until 1819. Dunn was elected president of the Farmers' and Mechanics' Bank of Indiana at Lawrenceburg. His other business activities included trade with the Indians, the building of a distillery, operation of a ferry over Tanner's Creek, and the publishing of *The Indiana Oracle.* He went on trading trips to Philadelphia and New Orleans, and laid out and sold lots in the New Lawrenceburg addition.

Dunn was appointed associate judge of the Dearborn County circuit court in 1814, and served through the territorial period. On September 8, 1830, he was again commissioned an associate judge. He was appointed postmaster at Lawrenceburg in 1811 and served until 1829. He died on July 17, 1870.

Lawrenceburg *Democratic Register,* July 22, 1870; sketch of Isaac Dunn in Indiana Historical Society Library; Territorial *Executive Journal,* 205; *Executive Proceedings, 1816-36,* p. 411; Carter (ed.), *Territorial Papers,* 8:138; U. S. *Official Register,* 1827, 1829.

ROBERT MORGAN EVANS was born in Virginia in 1783. The family moved to Kentucky when he was still a boy and then to Tennessee. He was married to Jane Trimble in Kentucky in 1803, and two years later moved to Indiana, settling two miles north of the present site of Princeton. The following year Evans was commissioned a justice of the peace for Knox County. In 1807 he purchased land where he was living, and started clearing it. Two years later he moved to Vincennes where he kept a hotel on Market Street. In 1811 he returned to his land.

Evans served as doorkeeper for the territorial General Assembly in 1811. The next year he was elected to the House of Representatives and served in the first session of the Fourth Assembly (February 1-March 12, 1813). He resigned his seat in September, 1813. Apparently he did not participate in the Battle of Tippecanoe. He is listed as a private on the roll of Benjamin Parke's troop of light dragoons, but his name is followed by "(never joined)." On April 28, 1812, he was commissioned a colonel in the fourth regiment of the territorial militia, and in September this regiment was called into the service of the United States and employed in defending the frontier from Indian raids. Colonel Evans commanded part of the troops under Col. William Russell in the attack on the Indian towns on White River and the Mississinewa in 1813.

Following the war he returned to his farm. On the organization of Gibson County he was appointed county clerk and recorder and commissioned on September 4, 1813. He was again commissioned clerk and recorder on February 24, 1817, upon his election under the state government. He resigned these offices on June 6, 1819. He was elected to the state House of Representatives from Gibson County and served in the sessions of 1819-20, 1820-21, 1823-24, and 1825. He represented Vanderburgh and Warrick counties in the 1829-30 session.

In 1825 Evans moved to New Harmony where he kept a hotel and farmed. He was interested in the Owenite community, as the following quotation from the *New-Harmony Gazette* indicates: "The report inserted in the several papers received at this office that this gentleman [Evans] had left Owen's establishment at New-Harmony is incorrect. In the last New-Harmony Gazette, he came out openly in support of the Deistical principles that are generally in vogue at that place, in answer to the editors of the Baptist Recorder.—After denying the scriptures of the Old and New Testament as being the word of God, and the doctrines they inculcate, he gives . . . his belief, which we expect is the opinion generally entertained at New-Harmony." Evans moved to Evansville in 1828 and lived there until his death in 1844.

Stormont, *History of Gibson County,* 49; Territorial *Executive Journal,* 133, 183, 201-2; Pirtle, *Battle of Tippecanoe,* 123; Muster, Pay, and Receipt Rolls, War of 1812, photostats in Genealogy Division, Indiana State Library, index; Esarey (ed.), *Messages and Letters,* 2:498; *Executive Proceedings, 1816-36,* pp. 27, 112n; *New-Harmony Gazette,* November 21, 1826; *The Diaries of Donald Macdonald 1824-1826* (Indiana Historical Society *Publications,* vol. 14, no. 2, Indianapolis, 1942), index under Evans.

EZRA FERRIS. By one historian Ezra Ferris was thus vividly described: "Dr. Ezra Ferris, a sturdy Baptist elder, who spent his life fighting disease and Democracy through the week and Campbellism and the Devil on Sundays." Ferris was one of the few members of the territorial Assembly to hail from New England. He was born in Stanwich, Connecticut, on April 26, 1783. When he was only six years old his family decided to move west. They left their home on September 20, 1789, and by wagon and boat reached the mouth of the Little Miami on December 12, 1789. Here they lived through the horrors of the Indian wars that preceded Wayne's victory at Fallen Timbers.

Ferris received a fair education; perhaps he returned to the East for part of his schooling. He became a Baptist preacher while still a youth, preaching in the Duck Creek Church. He also taught school in Lebanon, Ohio, and studied medicine. In 1806 he removed to Lawrenceburg, Indiana Territory, where he continued to practice medicine and kept an apothecary shop.

Ferris served in both sessions of the Fifth General Assembly of the Territory. He was commissioned a justice of the peace for Dearborn County on March 7, 1816, and he was elected as a delegate, along with James Dill and Solomon Manwaring, to represent Dearborn County in the Constitutional Convention in 1816. He was a member of the state Senate in the sessions of 1816-17, 1817-18, and 1818-19, and of the House of Representatives in 1820-21, 1821-22, 1826-27, and 1830-31. He was a staunch Whig. Ferris contributed to the Lawrenceburg *Independent Press* in 1851-52 a series of letters on the early history of the region in which he had lived. These were republished by the Indiana Historical Society, of which Ferris was a charter member, in 1897, under the title *The Early Settlement of the Miami Country* (Indiana Historical Society *Publications,* vol. 1, no. 9). Ferris was twice married. He died in Lawrenceburg on April 19, 1847.

Dunn, *Indiana,* 424; *History of Dearborn, Ohio, and Switzerland Counties,* 167-68; Territorial *Executive Journal,* 241; biographical file, English Collection, University of Chicago Library.

GEORGE FISHER. See Philbrick (ed.), *Laws, 1801-9,* pp. ccliii.

DAVIS FLOYD was the son of Charles and Mary Stewart Floyd, of Virginia. His uncle, Col. John Floyd, had come out to Kentucky in 1779 and settled near the Falls of the Ohio.[1] It is not known when Davis Floyd came to Louisville, but there is a record in the Filson Club of a marriage license issued to Davis Floyd and Susanna Lewis on January 25, 1794.[2] He moved to Clarksville, across the river in Indiana, in 1801, and immediately assumed a position of leadership in that community. Probably his first public office was that of recorder for Clark County (1801-2); then he became sheriff, a position he held until 1806. In 1803 he was appointed by Governor Harrison one of the pilots at the Falls of the

Ohio, a position of trust and responsibility.[3] He served as representative in both sessions of the first territorial Assembly.

Floyd has been described as very tall, dark complexioned, full of courage, and ready for everything. Another source says that he was "a very remarkable man, one who could have made a considerable mark in the world had he felt disposed. He was a bold daring fellow, considerably above medium height, and 'very dark for a white man,' full of fun, anecdote, and good sense, always ready for anything that promised excitement or adventure, full of fight in his chosen profession [law], and able to cope with the best intellectuals of his time or any time."[4] He was a Methodist, and preached at the church in Corydon.[5]

It was probably his love of adventure that caused his involvement in the Aaron Burr conspiracy. Floyd first met Burr at Jeffersonville in 1805, at the home of Judge Thomas T. Davis, and probably saw him frequently in Washington the following winter. They were both interested in the projected Ohio Falls Canal, and both appear among the first directors of the canal company incorporated at the first session of the Indiana General Assembly in 1805. The aim of Burr's plot—invasion of Mexico, capture of Baton Rouge, or whatever it was—remains to this day vague and obscure. There is no evidence that Floyd ever suspected Burr's intentions of being anything but strictly loyal and patriotic. His participation centered around Burr's projected colony on the Washita. The whole affair turned out a sad fiasco. Warrants for the arrest of Burr, Floyd, and two of their colleagues were issued by the circuit court of Washington County, Mississippi Territory, on the grounds that the last three were accessories to the "Illicit Designs" of the first.

Floyd escaped to Indiana Territory where he was indicted on June 2, 1807, for aiding in setting on foot a military expedition against his Catholic Majesty, the King of Spain, with whom the United States was then at peace. He was found guilty of the charge on the 12th of June, and the following day the sentence was pronounced—three hours in jail and a fine of ten dollars. The two judges were Thomas T. Davis, at whose home Floyd had met Burr, and Waller Taylor. Taylor wrote to President Jefferson the reasons for what seemed a very lenient sentence: Floyd's conviction rested almost entirely on his own confession. He had been convinced that the expedition had the approval of the government. He also added that the Territory had no jail in which to secure Floyd, and that a heavier fine would work a real hardship on his family.[6]

Reaction to this affair in the Territory was varied. Three days after the sentence was pronounced Floyd was elected clerk of the territorial House of Representatives which indicates the attitude of the majority of that body towards his action. This election did not escape criticism, however. On November 17, 1807, there appeared in the Vincennes *Western Sun* a letter from General Washington Johnston and Luke Decker, representatives from Knox County, defending the election of Floyd to the clerkship. "What were Burr's followers guilty of?" they asked. "Why of following Burr! and you may say they had weakness and credulity enough to be deceived by Burr—should the hell hounds of infuriated rage be let loose upon them, and they hunted out of society and hooted be-

cause they have been deceived?" Candidates for the clerkship, they added, were Jonathan Jennings, George Wallace, Jr., John Johnson, and Davis Floyd. The first two, they wrote, declined in favor of Floyd, who was elected.

The controversy continued in the newspaper and in meetings held to uphold or protest the action of the House. On January 4, 1808, a meeting of "numerous and respectable citizens of the county of Knox" was held "for the purpose of taking into consideration the appointment of Davis Floyd clerk to the House of Representatives, and to remove the odium which has been cast upon the people of the Territory in consequence of that Appointment."[7] The controversy was taken up by political factions and feelings ran strong. Floyd was an antislavery man. He had been secretary of a meeting of Clark County citizens, presided over by John Beggs, on October 10, 1807, which drew up a memorial against the resolution passed by the preceding Assembly praying a suspension of the sixth article of the Northwest Ordinance.[8] This may have turned the Harrison faction against him. In a letter to President Jefferson on July 16, 1808, Harrison intimates that he believes Floyd may not have been as innocent of Burr's plans as he had once thought. Not long before this (July 6) he had revoked Floyd's commission as major in the militia and also his license as a pilot at the Falls.[9] Floyd's resignation from the clerkship of the House was announced at the opening of the 1808 session.

The next few years of Floyd's life are dim. In 1812 he was commissioned an ensign in the militia and served as a deputy quartermaster for the Indiana troops. He was sent by Harrison on a mission to the Delawares in April, 1812, because of his acquaintance with their chiefs, and was successful in exacting a promise of their neutrality. On February 13, 1813, he served as secretary of a meeting of the commissioned officers of the Second Regiment, presided over by Joseph Bartholomew, which was called to make plans for the protection of the frontier.[10]

His efforts in the interest of his country during the War of 1812 received the following glowing tribute from Acting Governor John Gibson in a letter to the Secretary of War: ". . . permit me Sir, to recommend to yourself and through you to His Excellency the President, Maj. Davis Floyd of this Territory, as a Patriot and soldier. He has since his unfortunate connection with A. Burr proven to his country upon several occasions his attachment and fidelity to her and I've no doubt was an opportunity afforded him, he would by his patriotic ardour wipe off every stain from his character. He is well qualified for Military Command. I therefore take the liberty of soliciting that he may be appointed a Major or at least a captain in the Regular Service." No commission seems to have issued as a result of this letter.[11]

In civil life Floyd gradually resumed his position of leadership. In 1812 he advertised in the *Western Sun* that he would attend the General Court as a counselor and attorney. On June 15, 1813, he was commissioned as auditor of the Territory and removed to Corydon. He succeeded his good friend William Prince, who resigned the office with the understanding that Floyd would succeed. In writing to Governor Posey about the appointment Floyd showed the generous attitude that he held

toward his critics: "Many exagerated and maliceous reports have been industriously circulated to my prejudice of which no doubt your Excy have heard— The appointment of the Auditor is by no means an object sufficient with me to make me wish that any of my friends should take any measure to secure the appointment for me which would hereafter involve their feelings."[12] In 1814 he became territorial treasurer and served until the dissolution of the Territory.[13] He was also a delegate from Harrison County to the Constitutional Convention, in 1816, and was elected as representative to the first state General Assembly. On January 2, 1817, he was elected by the General Assembly one of the directors of the bank of Vincennes which became the State Bank of Indiana.

On October 13, 1817, Floyd was appointed by Governor Jennings judge of the Second Judicial Circuit vice David Raymond resigned. His appointment to this office was confirmed by the General Assembly on January 27, 1818. He must have been impressive as a judge. Says one writer, "He was a tall, dark-complexioned man, with a heavy voice and rapid speech, and was specially skillful in the management of a case in court. He was eminently a 'jury lawyer' but was also a good judge of law and a fair student. On the bench he was grave, decorous, but would 'down' a lawyer detected in an attempt to impose upon his credulity or befog him with intricate legal technicalities." It is not known where or when he obtained the legal training that he had. He resigned his judgeship about April 23, 1823.[14]

On December 9, 1823, Floyd was appointed a commissioner to help ascertain claims and titles to land in Florida Territory.[15] It is not known definitely whether or not he ever returned to Indiana. One source says that he died in Jeffersonville and was buried there.[16] He died prior to July 9, 1834, for there is a statement of that date in the Archives Division of the Indiana State Library which lists Gabriel J., Charles, Elizabeth, and Robert Floyd as the only heirs of Davis Floyd, deceased. This is signed by Charles Fuller, and notarized by William Leviston, notary public of Clark County, Indiana. The persons mentioned were probably all children of Floyd. His son Gabriel Floyd served for a period as collector of customs at Apalachicola, Florida.[17]

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[1] Kathleen Jennings, *Louisville's First Families* (Louisville, 1920), 170. [2] Index, Jefferson County, Kentucky, marriage licenses, Filson Club, Louisville. [3] Territorial *Executive Journal,* 101, 112, 122. [4] Baird, *History of Clark County,* 287-88; *History of Ohio Falls Cities and Their Counties,* 2:247. [5] Holliday, *Indiana Methodism,* 89. [6] See Cox, "The Burr Conspiracy in Indiana," in *Indiana Magazine of History,* 25:257-80; Clark County, Record of Courts of Oyer and Terminer, General Jail Delivery, and Circuit Court Held by Federal Judges, 1802-1813, Microfilm, Genealogy Division, Indiana State Library; Esarey (ed.), *Messages and Letters,* 1:205-6. [7] Carter (ed.), *Territorial Papers,* VII, 511-14. [8] Dunn, *Slavery Petitions and Papers,* 519-20. [9] Esarey (ed.), *Messages and Letters,* 1:297-98; Territorial *Executive Journal,* 147. [10] *Ibid.,* 186-87; Esarey (ed.), *Messages and Letters,* 2:39-40, 43, 50, 57, 59; resolution of February 13, 1813, signed by Bartholomew and Floyd, in English Collec-

tion, Indiana Historical Society Library. [11] Esarey (ed.), *Messages and Letters,* 2:350. [12] Territorial *Executive Journal,* 197; Floyd to Posey, May 25, 1813, in English Collection. His bond, a copy of which is in the English Collection, is signed by John Gibson and Waller Taylor. [13] See recommendation for Floyd's appointment signed by fourteen citizens of the Territory, December 29, 1813, in *ibid.* Posey's appointment of Floyd to the office was blasted by Jennings, and Jennings in turn was assailed for expressing his opinion. See Dennis Pennington, *et al.,* to Posey, September 16, 1813, in English Collection. [14] *Executive Proceedings, 1816-36,* pp. 43, 252. [15] U. S. Senate *Executive Journal,* 1815-29, pp. 343-44; U. S. *Statutes at Large,* 6:341, 347. [16] *History of Ohio Falls Cities and Their Counties,* 2:247. [17] Robertson and Riker (eds.), *John Tipton Papers,* 3:243n.

ELISHA GOLAY was born in the Canton of Leman, in Switzerland, on October 26, 1783. He came to America in 1801 with his father and mother and five brothers and four sisters. He remained in New York until 1804 and then came to New Switzerland, then in Jefferson now Switzerland County, Indiana, where other emigrants from his native canton had settled. In 1806 he married Susanne Margaritte Dufour, daughter of John James Dufour and sister of John James Dufour, Jr., founder of the Swiss settlement.

According to his grandson's account Elisha Golay was commissioned a lieutenant in the territorial militia in 1807. This commission does not appear in the Territorial *Executive Journal.* In 1811 he was made a captain and in 1813 a major. In the spring of 1812 he was ordered to enlist volunteers into his company and march north to the border of Jefferson County to protect the frontier from Indian depredation. He oversaw the building of a blockhouse known as Buchannon's Station near what was then the northern boundary of Jefferson County. On September 3, 1817, he was appointed quartermaster of the Fifth Brigade of Indiana militia.

Golay also served in various civil capacities. On December 14, 1810, he was appointed a justice of the peace for Jefferson County. In 1813 he acted as clerk of the sale of lots in the newly platted town of Vevay. With John Francis Dufour he lobbied at the territorial Assembly for the organization of Switzerland County. When the new county was organized out of Dearborn and Jefferson counties in 1814, he was appointed county surveyor. He declined this office, but did accept an appointment as justice of the peace. On November 25, 1814, the county court appointed Golay agent of the county. Under his direction contracts were let for the construction of the county courthouse and jail. In that same year he was named a director in the incorporation of the Vevay Literary Society, and the following year he was named a trustee of the Vevay Seminary.

He represented the new county in the territorial House of Representatives in the second session of the fifth and last Assembly (1815). Under the state government he was elected a justice of the peace and commis-

sioned on April 5, 1817. On September 8, 1830, he was commissioned an associate judge, and was re-elected to that office in 1837.

Golay was a successful and prosperous farmer. He and his wife lived on their farm above Plum Creek until they reached such an advanced age that it was advisable for them to move to the home of their son Constant. Here Elisha Golay died, on April 30, 1866, at the age of eighty-three. His wife had died less than a year before.

"As a husband he was kind and affectionate," says a county history sketch, "as a father loving and indulgent; as a neighbor generous and obliging; as a business man honest and upright."

He had five sons and one daughter—Constant, Louis, Albert, Vincent, Phillip, and Clarissa.

Sketch by grandson, C. E. Golay, in biographical file, English Collection, Indiana Historical Society Library; Territorial *Executive Journal,* 167, 170, 195, 220, 225; Dufour, *Swiss Settlement of Switzerland County Indiana,* 31-32, 34, 35, 358-60; Madison *Indiana Republican,* September 3, 1817; *History of Dearborn, Ohio, and Switzerland Counties,* 1018, 1215-16; Ewbank and Riker (eds.), *Laws, 1809-16,* pp. 679, 735; *Executive Proceedings, 1816-36,* pp. 32, 618. For a genealogical record of the family of Elisha Golay, see Julie Le Clerc Knox, *The Dufour Saga 1796-1942* (Crawfordsville, 1942), Ch. 9.

SAMUEL GWATHMEY was the son of Owen Gwathmey and Ann Clark Gwathmey, eldest sister of George Rogers Clark. He was born in Virginia, around 1778, and came to Louisville in 1801. On February 4, 1801, he was commissioned clerk of the newly created county of Clark in Indiana Territory, by Governor Harrison. On January 29, 1802, he was commissioned county treasurer vice Thomas Downs, resigned. The next year he helped lay out the town of Jeffersonville on part of tract one of Clark's Grant, and on June 19 the Governor issued an ordinance proclaiming the new town the seat of justice of the county of Clark. In 1803 he constructed what may have been the first frame house in the Territory. In 1805 Gwathmey was reappointed clerk, and the next year recorder for the county. On February 3, 1812, he was commissioned a justice of the peace.

Gwathmey was appointed to the Legislative Council in 1805. Upon his nomination Judge Thomas T. Davis had written the Secretary of State recommending his appointment, describing him as "a sensible respectable young man." He served during the first Assembly and the first session of the second, but sent his resignation to Harrison before the opening of the second session on September 26, 1808. On December 4, 1807, he had been appointed register of the new land office at Jeffersonville, and a law passed at the 1807 session forbade anyone who held a commission from the United States Government serving in the legislature. When the Council assembled on September 26, only three members were present, and there was a probability that one of these would vacate his seat. Harrison feared there would not be a quorum, and did not present

Gwathmey's resignation, but wrote to him, urging him to attend. He refused, and on October 14, 1808, Harrison notified the Assembly.

Gwathmey continued to hold the office of register until removed for political reasons in 1829. His record was good, and upon his removal George Graham, commissioner of the General Land Office, wrote him that his duties had always been executed with promptness and ability and to the entire satisfaction of the department. In 1810 the examiner wrote that Gwathmey and Edmund H. Taylor, receiver, conducted their business with "strict Justice and the most scrupulous impartiality."

Gwathmey was a member of the committee appointed to greet Lafayette upon his visit to Indiana in 1825. He was also a member of the group who went to Indianapolis in 1832 to receive the incorporation papers of a company created to build a bridge across the Ohio at Jeffersonville. The project also received the co-operation of the Kentucky legislature and work on the bridge was actually commenced. However, financial difficulties arose and the work was never completed.

Following his removal from the land office, Gwathmey returned to Louisville and opened a flour store. He conducted this until he became president of the Mechanics and Savings Bank. He died at the home of his daughter Rebecca Ann (Mrs. Henry) Taylor, in 1850, at the age of seventy-two.

Gwathmey was an Episcopalian and a Mason, and served as the first master of Posey Lodge at Jeffersonville, founded in 1819. He married Mary Booth of Kentucky. There is no record of any militia service.

William H. English, *Conquest of the Country Northwest of the River Ohio, 1778-1783* . . .(2 vols. Indianapolis, 1897), 2: 997; Reuben T. Durrett, *An Historical Sketch of St. Paul's Church Louisville* (Louisville, 1889), 18; Jennings, *Louisville's First Families,* 51-52; Territorial *Executive Journal,* 101, 106; Baird, *History of Clark County,* 49, 57, 81, 92, 93, 131, 132; Carter (ed.), *Territorial Papers,* 7:262, 8:38; Esarey (ed.), *Messages and Letters,* 1:312-15, 320; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 830n. Gwathmey to Graham, August 14, 1829, and Graham to Gwathmey, September 10, 1829, in Newton D. Mereness Calendar of Papers from the General Land Office in the National Archives, in Indiana State Library; Indianapolis *Journal* (weekly), August 27, 1829, announcing removal of Gwathmey from the land office.

JOHN HADDEN came into Randolph County, Virginia (now West Virginia), with his three brothers, sometime between 1772 and 1774. They were among the earliest settlers of Tygerts Valley. They settled above Huttonville and built a blockhouse which served as refuge from the Indians for many of their neighbors. John Hadden was granted a patent by the Commonwealth of Virginia to two hundred acres to include his settlement in 1774. He was married to Isabel Elliott in 1785. He figures prominently in the civic affairs of the county. He was commissioned a justice of the peace when the county was organized, and was a member of the jury of the first court held on May 28, 1787. He also served as an

assessor in 1787. That same year he was commissioned a lieutenant in the militia, and was advanced to a captain in 1795 and major in 1800. He was a member of the Virginia House of Delegates from 1792 to 1804.

In 1806 John Hadden came to Indiana Territory. He built a blockhouse in present-day Sullivan County, then Knox County, near the site of Carlisle, which was known during the War of 1812 as Fort Hadden. In 1809 he was elected to represent Knox County in the territorial House of Representatives. However, his name does not appear in the Journal of the 1809 session, and apparently he never appeared to claim his seat. During his campaign he made a declaration of his political sentiments in the *Western Sun.* He was a Jeffersonian Democrat and an admirer of the Harrison regime. He described himself as a plain farmer, earning his livelihood from the soil. His attitude on the burning question of slavery is shown by the following statement, "I have thought proper to state that my opinion as an individual is to admit the emigration of citizens of any part of the United States, with any property they are permitted to possess by the laws of the state whence they migrate; but in their case, as in others of importance a majority of the people have a right to decide . . ."

In 1810 Hadden was again a candidate for the House, but was unsuccessful. He died sometime prior to January 1, 1820, when a notice concerning the administration of his estate appeared in the *Sun.*

A. S. Bosworth, *A History of Randolph County West Virginia* . . . (Elkins, W. Va., 1916), 19, 22, 39, 40, 54, 60, 70, 77, 78, 94, 96, 106, 354; H. R. McIlwaine, state librarian of Virginia, to the Historical Bureau, May 11, 1933; Thomas J. Wolfe (ed.), *A History of Sullivan County Indiana* . . . (2 vols. The Lewis Publishing Co., Chicago, 1909), 1:12, 13; Vincennes *Western Sun,* March 25, 1809, March 17, 1810, January 1, 1820.

JOHN HARBISON, who served in the Legislative Council during six sessions, 1810-15, was a native of Maryland, born about 1770. He was of Irish descent, in religion a Presbyterian and in politics a Democrat. He removed to Virginia, thence to Kentucky, and thence about 1806 to Indiana. He settled about nine miles northeast of Corydon, near Lanesville in what is now Harrison County. He was a farmer and trader. He had participated in Indian warfare in Kentucky where his father had been killed by Indians. On November 3, 1807, he was commissioned a major in the territorial militia. The stories he related of his Indian battles were told and retold, and it is said that the children in the neighborhood were for years after frightened by tales of his ghost and the ghosts of Indians he had slain.

Harbison acquired considerable property during his lifetime. Although he supported the antislavery side politically, he had been a slave owner and upon his death he bequeathed to his sister in Kentucky an old slave woman who had been given him by his mother. He died on May 1, 1829, and was buried on his farm.

Sketch by James A. Harbison, in biographical file, English Collection,

Indiana Historical Society Library; Matilda Gresham, *Life of Walter Quintin Gresham 1832-1895* (2 vols. Chicago, 1919), 1: 15-18, 22.

CHRISTOPHER HARRISON was born at Cambridge, Maryland, in 1775, of an influential English family. He received a liberal education, graduating from St. John's College at Annapolis, and became confidential clerk to William Patterson, a wealthy merchant of Baltimore. There is a tradition that he came West because he was rejected by his employer's daughter, Elizabeth Patterson, who chose to marry Jerome Bonaparte. However, a nephew of Harrison disregarded this story, but did believe that it was a disappointment in love which caused him to leave his home. At any rate, by 1809 Harrison was in Indiana Territory living alone in a cabin overlooking the Ohio River near Madison. He never married.

A "hermit of the wilderness," Harrison maintained an aloofness from the world for three or four years. Then in 1813 he accepted a commission as judge of the court of common pleas for Jefferson County and as a captain in the sixth regiment of Indiana militia. The following year he was made a judge of the circuit court of Jefferson County. He served in the last session of the territorial Assembly, having been elected to succeed William Hendricks, resigned. That same year he opened a store in Salem in partnership with Jonathan Lyon. In 1816 he was elected the first lieutenant governor of the state over John Vawter. In 1818 Governor Jennings was appointed by the President a commissioner to negotiate a treaty with the Indians, and since the state constitution forbade the Governor to hold any office under the Federal Government, Harrison took the position that the office of governor was vacant and that the lieutenant governor should thereupon become acting governor. When the legislature took the position that Jennings was still governor, Harrison resigned his office as lieutenant governor and retired to his home near Salem. The next year, at the instigation of some of his friends, he became a candidate for governor against Jennings but was severely defeated. He later served as commissioner to lay off the site chosen for the new state capital, Indianapolis, as agent of the three per cent fund, and as one of the commissioners appointed to open a canal around the Falls of the Ohio. In 1834 he returned to his native state where he resided until his death in 1863.

Woollen, *Sketches,* 160-67; Martha Tucker Morris, "Christopher Harrison," in *Indiana Magazine of History,* 16 (1920): 101-11; Esarey (ed.), *Messages and Letters,* 3:55-63; Stevens, *Centennial History of Washington County,* 262-65.

WILLIAM HENDRICKS, who served as governor of Indiana from 1822 to 1825, was born at Ligonier, Westmoreland County, Pennsylvania, in 1783. After finishing his common school education he came west to Cincinnati where he studied law and was admitted to the bar. By 1813 he had moved to Madison, Indiana Territory.

He served as clerk of the House of Representatives in 1813, and then was elected to membership in the House where he served in the 1813-14 session and the special and regular session in 1814. He resigned his seat upon his appointment as United States attorney for the Territory. However, he served as clerk of the House in the session in 1815. He was nominated for the Federal office on October 26 and confirmed on November 2, 1814.

On May 5, 1813, the first issue of the Madison *Western Eagle,* published by Seth M. Levenworth and William Hendricks, appeared. Levenworth withdrew from the partnership the following September, and the paper was carried on by Hendricks and William Camron until April, 1814, when Hendricks withdrew.

Hendricks served as secretary of the Constitutional Convention in 1816. In the first Congressional election in the state he was elected to the U. S. House of Representatives, and re-elected in 1818 and 1820. So favorably was his service regarded, that in 1822 he was elected governor of the state without opposition. On February 12, 1825, he resigned the governorship to take his seat in the United States Senate to which he had been elected by the state legislature. He was re-elected in 1831 and served until the completion of his term in 1837. The swing of the state from Jacksonian Democracy to Harrison Whiggery threw him out of his seat, and he did not hold public office again. He died on his farm in Jefferson County on May 16, 1850.

Woollen, *Sketches,* 51-55; Esarey (ed.), *Messages and Letters,* 3:279-82; files of the Madison *Western Eagle,* in Indiana State Library and Indiana Historical Society Library; U. S. Senate *Executive Journal,* 2:577, 579.

HARVEY HETH was born in 1770 and died in 1816. He was the son of Henry Heth who had emigrated from Ireland to Virginia, served in the Revolution, and later moved to Pittsburgh. He came to Harrison County with his brother Richard M. Heth. In 1806 he built a mill on Buck Creek. Harvey Heth was elected to the Legislative Council in 1809 and served in the Rump Session that year. That was his only legislative service. In 1807 he purchased the land on which Corydon now stands from William Henry Harrison, and laid out the town. In 1816 he platted the town of Morvin, but it did not flourish, and its last house was demolished by cannon fire during Morgan's Raid.

Inscription on tombstone in Cedar Hill Cemetery, Corydon, Indiana; William H. Roose, *Indiana's Birthplace. A History of Harrison County Indiana* (New Albany, Ind., 1911), 15, 18, 20, 69.

MOSES HOGGATT, a Quaker, came from North Carolina to Indiana Territory and settled in what is now Washington Township, Washington County, but what was then Harrison County. In 1811 be built a horse mill which was later purchased by Samuel Lindley and operated for a

number of years. He also built the first water-powered mill in Pierce Township.

On January 16, 1809, Hoggatt was appointed a justice of the peace of Harrison County, and on January 10, 1814, was appointed one of the first circuit court judges of Washington County. His service in the territorial legislature was limited to the short session of 1809 when he was a member of the House. He declined re-election in the hope of receiving an appointment as a surveyor.

By 1816 Hoggatt had moved to Vigo County, where he entered land in present-day Prairieton Township. He established a post office here called Hoggatt's which became the town of Prairieton. He helped organize the Friends Meeting, the first church in the township. He served as associate judge of Vigo County from 1818 until his resignation in 1820.

David Thomas, "Travels through the Western Country in the Summer of 1816," in Harlow Lindley (ed.), *Indiana as Seen by Early Travelers (Indiana Historical Collections,* Indianapolis, 1916), 73, 75; Stevens, *History of Washington County,* 546, 568; *History of Lawrence, Orange and Washington Counties* . . . (Goodspeed Bros. & Co., Chicago, 1884), 708, 722, 732; Hiram W. Beckwith, *History of Vigo and Parke Counties* (Chicago, 1880), 459, 462; C. C. Oakey, *Greater Terre Haute and Vigo County* . . . (Lewis Publishing Co., Chicago & New York, 1908), 27, 130; Carter (ed.), *Territorial Papers,* 8:58.

Jesse L. Holman was born near Danville, Kentucky, on October 24, 1784. He was the son of Henry Holman, who had migrated from Virginia to Kentucky in 1776, and who lost his life at the hands of hostile Indians in 1789. His mother was Jane Gordon Holman, of Scottish descent.

The death of the father threw the family into financial straits. However, Jesse L. Holman received a good common-school education. A daily reader of the Bible, at seventeen he joined the Baptist Church. According to family tradition he read law in Henry Clay's office. When he was but twenty-five he published a novel, *The Prisoners of Niagara, or The Errors of Education,* which enjoyed a certain popularity.

Holman was admitted to the Kentucky bar on September 2, 1805. In 1810 he married Elizabeth Masterson, daughter of Judge Richard M. Masterson, and the following year they moved to Indiana Territory. In 1810 Holman had purchased a tract of land overlooking the Ohio in Dearborn County, four miles below Lawrenceburg, and on the height of a magnificent bluff he built his log cabin. The site was called Veraestau after the three seasons, *ver,* spring; *aestas,* summer; and *autumnus,* fall.

From 1811 until his death Holman devoted most of his life to public service. As early as May 28, 1811, Governor Harrison appointed him prosecuting attorney of Dearborn County, vice James Dill resigned. On November 4, 1812, he was appointed prosecuting attorney for Jefferson County also. He was elected to complete Isaac Dunn's term in the territorial House during the Fourth General Assembly and served in the special session of the House in June, 1814. He was then elected to the

Legislative Council from Dearborn and Jefferson counties, and served in the fifth Assembly in August and September, 1814. On September 14, 1814, he was appointed presiding judge of the Second Judicial Circuit by Governor Posey, and resigned his seat in the Council. He held this position through the remainder of the territorial period, and from March 1, 1816, also served as judge of the Third Circuit.

On November 14, 1816, Holman along with Joseph Bartholomew and Thomas H. Blake, received his certificate from Governor Jennings as a presidential elector. On December 28, he was commissioned a judge of the state Supreme Court; his nomination had been confirmed by the Senate on the twenty-third. He was reappointed in 1823, but Governor Ray, for political reasons, refused to renominate him in 1830. He was defeated in the election for U. S. Senator in 1831 by John Tipton. In 1835, upon the death of Judge Parke, he received an interim appointment as Federal district judge for Indiana. His nomination by President Jackson was confirmed by the U. S. Senate on March 29, 1836. He held this position until his death.

Holman was interested in education. In 1832 he was elected superintendent of Dearborn County schools. He helped found Indiana Manual Labor Institute, which became Franklin College. He served as vice-president of the Institute from 1835 to 1839, and as president from 1839 until his death in 1842. Holman was also interested in the founding of the state college at Bloomington. He was a member of the committee appointed on December 11, 1830, to draft a constitution for the Historical Society of Indiana and served as vice-president of the Society from 1831 to 1835.

Holman was active in the Baptist church in Indiana. He helped organize a church in Aurora in 1820, and from 1834 until his death he served as a minister of this church without compensation.

Holman died on March 28, 1842. He was survived by his widow and six children: Emerine, Eliza, William Steele, Lucy, Mary Anne, and Jesse Lynch. Another son, Richard Henry, died in 1841.

Israel George Blake, *The Holmans of Veraestau* (Oxford, Ohio, 1943).

JOSEPH HOLMAN was born near Versailles, in Woodford County, Kentucky, on October 1, 1788. In 1805, he and his father, George Holman, and his brother, William Holman, and a party from their Kentucky neighborhood, came on an exploring expedition into the Whitewater Valley. They were so favorably impressed with the countryside in present-day Wayne County that they returned to Kentucky to prepare to move their families and household goods to the place.

On November 22, 1810, Holman married Lydia Overman, daughter of Ephraim Overman, and settled about a half mile from the present town of Boston. Two years later he moved to a site on Noland's Fork three miles north of Centerville.

In 1815 Holman was elected to fill out the incompleted term of James Brown in the territorial House of Representatives, and served in the

final session of the Assembly. He was chosen as one of the delegates from Wayne County to the Constitutional Convention in 1816. He served as representative from Wayne County in the state legislature from 1816 until 1822. In 1823 he was appointed receiver of the Fort Wayne Land Office. Samuel C. Vance was register. He held this office until he was removed by Andrew Jackson. He continued to live in Fort Wayne, where he engaged in tanning, mercantile, and pork business. He was elected to the House of Representatives from Allen County for the 1830-31 session.

In 1833 he moved to the newly formed Miami County where he and William N. Hood laid out Miamisport, intended to be the county seat. They had a falling out, however, and Hood proceeded to lay out Peru, which became the seat of justice. Miamisport was soon absorbed by the expansion of Peru.

In 1843 Holman returned to the family home in Wayne County, and in 1860, following his father's death, he moved to his old home near Centerville. He held no other public offices. He was connected with the old Fort Wayne and Southern Railroad, and served for a time as its president. He died on April 17, 1873. Holman had been active in the Masonic Lodge in Indiana and his funeral was conducted with full Masonic honors.

Young, *Wayne County,* 16, 179-80; *History of Miami County Indiana* . . . (Brant & Fuller, Chicago, 1887), 434-35; Knollenberg, *Pioneer Sketches of the Upper Whitewater Valley,* 22-23; U. S. Senate *Executive Journal,* 3:336, 338, 552, 555; Ernest V. Shockley, "County Seats and County Seat Wars," in *Indiana Magazine* of History, 10(1914):30; Indianapolis *Journal* (daily), April 21, 1873.

JOHN JOHNSON. According to one account John Johnson was born in 1776, the son of James Johnson, Revolutionary soldier. This account also says that James Johnson was a Virginian, born in 1745. Other sources give Pennsylvania as the former seat of the family. Monks says that John Johnson came to Indiana from Kentucky.[1] James Johnson, the father, was appointed and commissioned a justice of the peace in Knox County on July 3, 1790. He held various other civil appointments including that of Knox County treasurer, being appointed to that office on January 30, 1793. He was also treasurer of Indiana Territory from 1805 to 1813.[2] The earliest record found of John Johnson is a commission as ensign in the Knox County militia, issued on October 24, 1797.[3]

John Johnson studied law and practiced in the courts of the Territory. He was counsel for Robert Slaughter in his trial for the murder of Joshua Harbin, in 1804, and presented Slaughter's plea that he could not be tried in the court of the Territory, the murder having been committed in Indian territory and hence not within the jurisdiction of the territorial court. Benjamin Parke, attorney general, refuted this plea. It was withdrawn, and Slaughter pleaded not guilty, was convicted, and hanged.[4]

In 1806 Johnson and John Rice Jones prepared a revision of the laws of the Territory.

On May 21, 1808, Johnson was appointed special attorney general to prosecute Abigail Rough, charged with the murder of her infant child. Counsel for the defense, appointed by the court, was General W. Johnston assisted by Thomas Randolph. The defendant was acquitted.[5]

Johnson served in both sessions of the first General Assembly as a representative from Knox and as a representative in the Rump Session, October 16-21, 1809. During the second session of the third Assembly he served as clerk of the House. He was a member of the Legislative Council during both sessions of the Fourth General Assembly, being elected at a special election to complete the term of William Jones on January 16, 1813; and also in the fifth, when he was elected jointly from Knox and Washington counties.

Johnson was a candidate for the position of territorial delegate to Congress in 1809. He was defeated, Jennings receiving 428 votes, Randolph, 402, and Johnson but 81.[6]

Johnson supported Harrison during the early years of his administration, but gradually grew away from him. Harrison attributed this to his failure to appoint Johnson attorney general. Johnson fell into an exchange of letters with Newton E. Westfall and Thomas Randolph in the *Western Sun,* when the latter accused him of duplicity in regard to the question of admission of slavery into the Territory and the movement favoring the reappointment of Harrison as governor. Johnson seems to have been a strongly proslavery man. In a reply he declared that he could not support the memorials favoring the reappointment of Harrison (1) because he believed rotation in office necessary in a democracy, (2) because he disapproved of the manner in which names were obtained for the memorials, and (3) because if the Governor had acted properly he would not have needed these recommendations.[7]

Johnson was a member of a group which, during the summer of 1810 when the Indians were threatening the settlements, tried to cast reflection on Harrison's administration in matters of defense. Through the *Western Sun* he summoned the citizens of Knox County to attend a meeting in the courthouse at Vincennes to "consult upon the best plan of avoiding the threatened war with the Indians, & of securing their several families." At the meeting Johnson's motion that committees of correspondence be organized throughout the Territory was voted down, and a committee appointed to request the Governor to attend and address the meeting. Harrison did so, and the meeting concluded with a resolution approving his policies and disapproving the persons who had called the meeting.[8]

In an address delivered on the Fourth of July, 1810, at a meeting at Abraham Decker's, Johnson praised the ideals of the founding fathers, but he declared against such undemocratic phases of the territorial government as the absolute veto power of the Governor.[9]

In 1812 Johnson was recommended to the President by Jonathan Jennings, territorial representative in Congress, along with Elijah Sparks and James Scott to succeed Henry Van der Burgh, deceased, as judge of the General Court. Jennings pronounced them all men of spotless character. Johnson's recommendation was heartily endorsed by Edward Hempstead, U. S. deputy surveyor, but Scott received the appointment.[10]

Johnson served as a member of the Constitutional Convention, in 1816. He was appointed to the State Supreme Court on December 28, 1816. He died on July 15, 1817, before he had an opportunity to show his ability in the court.[11]

Johnson's service as clerk to the Board of Trustees of Vincennes University and as manager of the Vincennes Library lottery in 1810 should be noted.

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[1] See *Roster of Soldiers and Patriots of the American Revolution Buried in Indiana,* 210; *History of Knox and Daviess Counties,* 70, 196; Dunn, *Indiana,* index; John D. Barnhart, "The Southern Influence in the Formation of Indiana," in *Indiana Magazine of History,* 33(1937): 269-70; Monks, *et al.* (eds.), *Courts and Lawyers of Indiana,* 1:184-85. [2] Carter (ed.), *Territorial Papers,* 316, 405; Territorial *Executive Journal,* 129, 194. [3] Carter (ed.), *Territorial Papers,* 3:490. [4] Vincennes *Indiana Gazette,* October 16, 1804. [5] Territorial *Executive Journal,* 146; Order Book of the General Court of Indiana Territory, 1801-10, pp. 309-10. [6] Vincennes *Western Sun,* July 8, 1809. [7] Carter (ed.), *Territorial Papers,* 8:88; Vincennes *Western Sun,* March 3, 17, 24, 1810. [8] *Ibid.,* June 23, 30 1810. [9] *Ibid.,* July 14, 1810. [10] Carter (ed.), *Territorial Papers,* 8:178, 231. [11] *Executive Proceedings, 1816-36,* pp. 23, 42; Vincennes *Western Sun,* July 19, 1817.

General Washington Johnston was born November 10, 1776, in Culpeper County, Virginia.[1] He came to Vincennes about the year 1793. He was admitted to practice in the territorial courts at the September term in 1801 and before the territorial General Court in the March term, 1802.[2] He was a leading lawyer and politician for many years, and held a variety of public offices. Johnston was obviously a well-educated, well-read man. His writings give evidence of a broad knowledge of classical literature and a familiarity with Latin. He was also versed in the French language, which made him valuable to the French citizens as an advocate. There is no record of the schools he attended. He studied law in Louisville in the office of his brother-in-law, Major John Harrison, cousin of General Harrison, before going to Vincennes.

The following is a description of him by one who remembered him in Vincennes. "He was very fond of dancing and a constant attendant at all the French balls, and danced with great pleasure and satisfaction to himself. He was a very small man, not five feet high. He had very black eyes, hair, and whiskers. He had a dimpled chin. He wore side whiskers. He was spare built and rather diminutive in appearance. He had a full round face, small hands and feet, and wore black cloth clothes, and a high crown hat."

He was the first postmaster at Vincennes, his first return for service being dated April 1, 1800. He served one year; then in 1803 he resumed the office and held it until 1812.[3]

He was not a member of the First General Assembly of the Territory, but he did serve as clerk of the House of Representatives during the

first session. He served in the House during the second Assembly, the Rump Session in 1809, and the third Assembly. He resigned at the close of the latter, December 19, 1811.

Following the close of a legislative session Johnston often presented his constituents with a review of the legislation through the columns of the Vincennes paper.[4] He felt that a very strong responsibility was attached to him as a representative in carrying out the wishes of those whom he represented. Johnston did not take a decisive stand on the slavery question at first. Later he said that he had opposed it from a moral point of view, but that from a political one he had favored it. However, during the 1808 session the memorials that poured into the chambers convinced Johnston that antislavery sentiment was growing on the part of his constituents, and he came out firmly against slavery. It was during this session that he made his significant report as chairman of the select committee on petitions relative to slavery.[5] On February 4, 1809, he ably defended this report in the *Sun* in a lengthy letter to the editor. Following his re-election as representative on May 22, 1809, he expressed his thanks to his constituents, and declared that he had won through the support of friends of emancipation.[6]

Although the Harrison faction supported slavery, this issue does not seem to have injured the pleasant relations that Harrison and Johnston enjoyed. Along with Harrison and John Johnson, in 1804, Johnston went bail for the negroes George and Peggy, in the famous case involving the question of their status.[7] In Harrison's slander suit against William McIntosh in 1811, Johnston was retained to help Randolph with the prosecution.[8] That same year, when John Johnson and the anti-Harrison faction called a meeting to endeavor to show that Harrison was not taking adequate precaution to protect Vincennes from the Indian menace, it was Johnston that moved that Harrison be called to address the meeting. Following Harrison's speech a resolution approving his measures was passed and the opposition was thwarted. Johnston also supported Harrison in answering charges brought against the latter in negotiations pertaining to purchasing land on the Blue River.[9] He was wholeheartedly opposed to the division of the Territory.

Upon the death of Judge Thomas T. Davis of the General Court in November, 1807, there was some talk of Johnston being named as his successor, but Waller Taylor received the appointment.[10]

Johnston served the Territory in other capacities. He was auditor of public accounts briefly, serving from January 20, 1813, to February 8, 1813. His bond as auditor for $8,000 was signed by Joshua Bond, Parmenas Beckes, and Samuel Hayes.[11] In May he was commissioned territorial treasurer, vice James Johnson resigned. He held this post until the following February. He was also commissioned a justice of the peace in Knox County in 1810 and a notary public in 1815.[12]

In 1811 he was appointed territorial attorney general.[13] He resigned this office in 1814, in an indignant letter to Governor Posey. The last legislature had "in the profundity of their wisdom" abrogated the salary of the attorney general without touching the office. The implication in

the letter is that the lawmakers were desirous of ousting Johnston, and used this means to do so.[14]

Johnston also served the Borough of Vincennes in various capacities.

Johnston's militia record is noteworthy, specially for one so active in civil life. He served as a private in Major Benjamin Parke's troop of light dragoons in 1811, and on October 3 was raised to the position of quartermaster. He saw action at Tippecanoe. On September 6, 1812, he was appointed judge advocate to the Indiana troops, and on October 3, was appointed an aide-de-camp to the commander-in-chief, with the rank of captain. On September 6, 1813, he was commissioned a colonel and appointed adjutant general. On August 11, 1815, he received a commission as captain in the First Regiment.[15]

In 1809 Johnston announced his intention to publish a book entitled "The Indiana Justice and Constable's Guide," which would embrace a legal dissertation on the rise, progress, and present status of the respective powers and duties of justices of the peace and constables under the statutes of Indiana Territory and contain all the necessary forms of their respective offices, and be prefaced with the constitution of the United States and the Northwest Ordinance.[16] Apparently not enough subscriptions for the book were forthcoming, for there is no evidence that it was ever published.

In 1817 Johnston published *A Compend of the Acts of Indiana from the Year Eighteen Hundred and Seven until that of Eighteen hundred and fourteen, Both Inclusive,* printed by the press of Elihu Stout. In his preface he states that this work was undertaken because of the complicated state that the statutes of the Territory and State were in, and from the variety of acts upon the same subject.

Johnston was not a delegate to the Constitutional Convention in 1816. He was a candidate for representative from Knox, Daviess, Sullivan, and Vigo counties in 1818. The returns showed him victorious, and he presented his certificate of election at the opening of the Assembly and was seated. However, charges that the election was illegal were brought by another candidate, Joseph Warner of Daviess, and the House, after reviewing the charges, seated Warner.[17] A few days later, December 16, perhaps as a compensation, Johnston was elected president judge of the First Circuit by the Assembly. He resigned this office April 1, 1819. Several years later he served a brief time as presiding judge of the Seventh Circuit upon the resignation of John Law, from August 10 until December 1831. He was commissioned a justice of the peace in Knox County, February 16, 1832. In 1831 he declined an appointment as examiner of the state prison.[18]

However, Johnston's chief service under the state regime, as under the territorial, was in the General Assembly. He served in the following sessions: 1821-22, 1822-23, 1826-27, and 1829-30. He was chosen speaker of the House in the 1822-23 session. In 1825 he was a candidate for lieutenant governor. He carried Knox County by a large majority, but was defeated in the state.

While in the state Assembly, as in the territorial, he tried to keep his constituents informed on the work that was being done, and on his

own stand in regard to important issues. In 1823, when he announced himself a candidate for representative, he gave the following as his platform: (1) he would support either Clay or Jackson for the presidency; (2) he favored repeal of the poll tax; (3) he would approve the revision of the laws if done satisfactorily; (4) he advocated leasing the school lands, not selling them; (5) he opposed calling a constitutional convention at that particular time; (6) he preferred the road law of 1818 over others; (7) he was a Republican in politics.[19]

In 1826 he announced himself as favoring improvement of the navigation of the Wabash and construction of the Wabash and Erie Canal.[20]

Looking at the years of Johnston's public service, there would seem to have been little time for private law practice or business. In 1812 he was interested in securing the position of clerk to the Board of Commissioners of the land office at Kaskaskia. He was thwarted in this, and felt he had been unjustly treated.[21]

George R. Wilson, in his article on Johnston, shows that he spent some time in Evansville and Princeton in 1819 and 1820. On March 19, 1814, an advertisement in the *Western Sun* announced that Benjamin F. Harrison and Johnston had opened in Vincennes a store where they sold clothing, books, hardware, pottery, iron, steel, and other items. This must not have been a great success for the partnership was dissolved by October. In 1815 Johnston announced that he had "A number of good new books" for sale; also "one of the Best Cellars" in town in which he would take merchandise for storage. On March 1, 1817, he announced that he had sold out his stock of merchandise and that he was going to practice law in Gibson, Knox, and adjoining counties.

Johnston acquired considerable property in the town of Vincennes, and in Knox and neighboring counties. In the *Sun* of September 26, 1818, he presented a long list of property for sale, the items varying from 100-acre tracts to town lots in Merom, Washington, Palmyra, and Vincennes.

Johnston was an active Mason. He participated in establishing Vincennes Lodge on May 13, 1809, and he met with other delegates from Indiana lodges to organize the Grand Lodge of Indiana on December 3, 1817. There is a note in the English Collection to the effect that Johnston published in 1820 a book entitled "Secrets of Masonry," but no copy has been located and no record of its actual publication has been found.

As an orator Johnston had well-deserved fame. His Masonic orations were notable, and one of the honors that he received from his fellow citizens was the request by John Ewing, John Myers, Elihu Stout, and Hyacinthe Lasselle that he deliver the oration in Vincennes on the anniversary of Washington's birthday in 1823. The whole of his speech is printed in the *Sun* of March 1, 1823.

Among Johnston's other interests was the theater. He is listed with Charles Smith, John Ewing, and Elihu Stout, as a manager of the Vincennes Theatrical Association which presented plays in Vincennes in 1814 and 1815.[22]

Johnston's first wife was a French woman and a Catholic, Josette Tremblé, of Detroit. They were married at Vincennes, February 9, 1799, by James Johnson. Eight children were born to them. Josette Johnston died on September 8, 1816, and was buried in the Catholic churchyard. Johnston then married, on January 7, 1817, Elizabeth Harvey, widow of Parmenas Beckes, and formerly widow of William Clarke. The ceremony was read by Samuel T. Scott, a Presbyterian minister.[23]

Johnston died on October 26, 1833, and was buried at Vincennes with Masonic honors. The obituary in the Vincennes *Gazette* read thus: "As a legislator, he was discriminating, industrious, intelligent and dignified. As a president judge he preserved the sanctity of the 'ermine,' and was equally impregnable to flattery and intimidation. As a magistrate he was enlightened and faithful to his trust. And in the various relations of Christian citizen, husband and father, he was not surpassed."[24]

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[1] For general sources of this sketch see George R. Wilson, "General Washington Johnston," in *Indiana Magazine of History,* 22(1924):123-53; and the biographical file on Johnston in the English Collection, Indiana Historical Society Library. [2] Order Book of the General Court of Indiana Territory, 1801-10, pp. 4, 22. [3] Carter (ed.), *Territorial Papers,* 3: 78, 80; 7:18. [4] See Vincennes *Western Sun,* November 12, 1808, February 4, 1809, October 23, 1809, June 8, 1811, December 28, 1811. [5] For a discussion of this report, see Dunn, *Indiana,* 371-75. [6] Vincennes *Western Sun,* June 24, 1809. [7] Dunn, *Indiana,* 313. [8] Woollen, *Sketches,* 395. [9] Carter (ed.), *Territorial Papers,* 8:82, 84, 90. [10] *Ibid.,* 7:504-5; 8:186; Vincennes *Western Sun,* December 2, 1807. [11] Copy in English Collection. [12] Territorial *Executive Journal,* 158, 163, 194, 233. [13] Order Book of the General Court of Indiana Territory, 1811-16, p. 43. [14] Johnston to Posey, January 14, 1814, in biographical file, English Collection. [15] Muster, Pay, and Receipt Rolls, War of 1812, photostats in Genealogy Division, Indiana State Library; Territorial *Executive Journal,* 186, 187, 201, 238. [16] Vincennes *Western Sun,* February 18, 1809 ff. [17] Indiana *House Journal,* 1818-19, pp. 4, 9, 24-27. [18] *Executive Proceedings, 1816-36,* pp. 70n, 90, 98, 306, 360, 494. [19] Vincennes *Western Sun,* May 10, 1823. [20] *Ibid.,* May 20, 1826. [21] *Ibid.,* August 4, 1812. [22] See *ibid.,* November 19, 1814, January 7, 1815. [23] See copy of family Bible record in biographical file, English Collection; index to parish records of St. Francis Xavier Cathedral, Vincennes, in Indiana Historical Bureau. [24] Vincennes *Gazette* (weekly), November 9, 1833.

JOHN RICE JONES. See Philbrick (ed.), *Laws, 1801-9,* pp. ccxxxviii-ccxlii.

PETER JONES is probably best known as a tavern keeper in Vincennes during the territorial period. His first house of entertainment was on Water Street, "at the sign of Thomas Jefferson." In 1807 he sold this house to Parmenas Beckes, and opened the Vincennes Hotel, also located

on Water Street. This seems to have become the main meeting place for the town. Here in 1810 and 1811 the Vincennes Society for the Promotion of Agricultural and Mechanical Arts met. On various Fourths of July the townspeople gathered here to hear the speaker of the day and toast their patriotic leaders. In 1810 all persons who were interested in forming a Light Horse Company met at Jones's tavern to recommend their officers to the Governor for appointment. From notices and advertisements in the Vincennes *Western Sun,* it is evident that the tavern was a place where messages could be left, bills could be paid, and various information supplied.[1]

Exactly when Peter Jones came to Vincennes and from where is not known. He may have lived for a while in Louisville as did his brother William Jones. He was in Indiana Territory by 1803, for on November 1 of that year Governor Harrison appointed him justice of the court of quarter sessions of peace and judge of the court of common pleas of Knox County. On September 5, 1805, he was commissioned auditor of the Territory, and his bond for $8,000 was signed by Henry Hurst, Luke Decker, and Jacob Kuykendall. He was succeeded as auditor on April 13, 1810, by William Prince. On March 7, 1807, he was made a lieutenant of a company of light infantry in Vincennes, and promoted to captain on March 18, 1808. On June 21, 1810, he was commissioned a captain in the Knox County militia, an ensign in the Fourth Regiment on June 15, 1813, and a captain on June 29, 1816. Under the state government he received a captain's commission on April 26, 1817.[2]

He was a loyal Harrison man, supporting him in his policy of defense of the Territory, and certifying to his disinterestedness in accusations made against him in regard to land transactions and the removal of the capital from Vincennes to a more central location. He opposed division of the Territory, and along with James Dill he protested against a resolution of the General Assembly favoring the admittance of the Territory to statehood in 1811. He served as secretary to Governor Harrison at the Indian treaty council at Fort Wayne, which lasted from September 1 to October 27, 1809.[3]

Peter Jones was a member of the House of Representatives during both sessions of the Third General Assembly, 1810 and 1811. During the 1810 session charges were brought against him of "Burrism," and a special House committee was appointed to investigate these charges. The committee reported that having weighed the evidence they found "not the least foundation for the Said accusation."[4]

Jones served as trustee of Vincennes University and as librarian of the Vincennes Library.

Jones was apparently a slaveholder. In 1808 he advertised a negro woman for sale. In 1812 he was plaintiff in a suit against Elihu Stout, in which Stout was ordered by the court to return Phebe, a negress, to the plaintiff or give him in lieu the sum of $775.[5]

Peter and William Jones and Samuel N. Luckett were in partnership under the name of Peter Jones and Company, probably a general merchandise business. The partnership was dissolved in February, 1810, though William continued to keep a store in Vincennes. On October 31,

1815, Peter Jones was granted a license to trade with the Miami and Kickapoo Indians.[6]

Peter Jones died in 1818. On March 7 of that year his widow Sally Jones advertised the Vincennes Hotel for sale. The establishment was purchased by John Myers.[7] Sally, or Sarah, Jones died on April 10, 1820.[8]

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[1] See notices and advertisements in Vincennes *Western Sun.* [2] Territorial *Executive Journal,* 21, 129, 139, 145, 159, 162, 197, 249; biographical file, English Collection, Indiana Historical Society Library; *Executive Proceedings, 1816-36,* p. 45. [3] Carter (ed.), *Territorial Papers,* 8:83, 90, 157-58; Esarey (ed.), *Messages and Letters,* 1:362. [4] Carter (ed.), *Territorial Papers,* 8:91. [5] Vincennes *Western Sun,* January 20, 1808; Order Book of the General Court of Indiana Territory, 1810-16, pp. 48, 49, 51, 52, 53. [6] Biographical file, English Collection. [7] Vincennes *Western Sun,* September 12, 1818. [8] Mortality Records, Knox County, Indiana, 1816-1884, typed copy in Genealogy Division, Indiana State Library.

RICE JONES. See Philbrick (ed.), *Laws, 1801-9,* pp. ccliii-ccliv.

WILLIAM JONES, brother of Peter Jones, came to Vincennes from Jefferson County, Kentucky. The earliest references to his being in Vincennes are in 1807, though he may have come earlier than this. On April 25, 1807, he was granted a license to marry Mary Susan Dubois. The ceremony was performed two days later by Waller Taylor.

William Jones entered the mercantile business in Vincennes. He was in partnership with his brother and a former Louisville man, Samuel N. Luckett, in the firm of Peter Jones and Company. This partnership dissolved early in 1810. Later in that year William Jones and Toussaint Dubois, Jr., joined in the firm of Jones and Dubois, and advertised "an elegant assortment of New Goods" just received from Philadelphia for sale in the Red House formerly occupied by Peter Jones and Company. This was on Water Street across from Peter Jones's tavern. This partnership continued until 1815 when it was dissolved.

William Jones was less active in public affairs than his brother. He served as a justice of the peace of Knox County, being appointed September 24, 1808. On July 12, 1812, he was appointed an assistant quartermaster in the militia. That he was pro-Harrison is indicated by his signature on documents denying Harrison's alleged connections with shady land dealings, the Burr conspiracy, etc.

William Jones served as clerk of the House of Representatives in 1808, during the second session of the second Assembly, defeating Jennings in the election for this office. He also served three days as clerk in the House during the 1809 Rump Session. He was elected to the Legislative Council, defeating Elias McNamee in 1810, at the same time that Peter Jones was elected a representative. He served during two sessions, then resigned and was succeeded by John Johnson, on January 16, 1813.

William Jones is listed as a manager of the Vincennes Bank in 1815 along with Charles Smith, Wilson Lagow, John D. Hay, and Nathaniel Ewing. He was active in the Vincennes Masonic Lodge, serving as master and secretary.

In 1816 his name appears along with Jane Dubois and Toussaint Dubois, Jr., as an administrator of the estate of Toussaint Dubois. In 1817 he served with Francis Vigo, Thomas H. Blake, Nathaniel Ewing, and George Rogers Clark Sullivan to welcome Henry Clay on a visit to Vincennes.

In a brief sketch of William Jones, Henry Cauthorn, historian of Vincennes, writes, "He was at one time a wealthy merchant of this place. . . . I do not know where he came from. . . . He was addicted to gambling and lost his wealth at the gaming table and died very poor." His straitened finances are evident in the pleas that appear frequently in the Vincennes *Sun* signed by him, stressing his need for money and urging those indebted to him to pay.

William Jones died on March 11, 1819. His estate was administered by Ambrose Whitlock, husband of Elizabeth Jones and brother-in-law of William, and Toussaint Dubois, his former business partner. Notices concerning the settlement ran for several years in the *Sun*. William Jones was buried at Vincennes. His widow, according to Cauthorn, "married a Mr. John Mieure of Lawrenceville, Illinois and went there to live and after the death of Mieure married a Mr. O'Neill."

William Jones is listed as Master Mason of Abraham Lodge of Middletown, Jefferson County, Kentucky, in 1803. Rob Morris, *The History of Freemasonry in Kentucky* . . . (Louisville, 1859), 76. He is listed as "late of Abraham's Lodge No. 8" of Kentucky in Daniel McDonald, *A History of Freemasonry in Indiana* (Indianapolis, 1898), 28. Vincennes *Western Sun,* February 3, 1810, April 7, 1810, July 7, 1810, January 9, 1813, January 7, 14, 1815, May 25, 1816, June 7, 1817, December 5, 1819; Cauthorn's account and other material in the biographical file, English Collection, Indiana Historical Society Library; "Mortality Record, Knox County, Indiana, 1816-1884," typed MS. in Genealogy Division, Indiana State Library.

Daniel McClure was born in Ireland on February 13, 1754. Just prior to the American Revolution he and his widowed mother, Jane McClure, and his three brothers, John, George, and William, and sister Jane, came to America. They lived first in Connecticut, but apparently soon moved on to Pennsylvania. All four brothers were in the Revolution. Daniel served as a private under George Rogers Clark in his expedition into the Northwest and in 1780 he was a member of the second battalion of the Cumberland County, Pennsylvania, militia, under command of Capt. John Carrothers. Some time later the family moved to Kentucky, and in 1802 came to Knox County, Indiana.

On September 22, 1804, Daniel McClure was appointed a justice of the general quarter sessions and judge of the court of common pleas in

Knox County. On June 21, 1810, he was again commissioned a judge of the common pleas court. He was elected to the territorial House of Representatives and served in the two regular sessions of the Fourth General Assembly and in the special session of the House in 1814.

McClure was strongly pro-Harrison in territorial politics, and rose to the Governor's defense when the opposition tried to smear his character by linking him with shady land deals. He was a member of the committee appointed by a meeting of Knox County citizens in June, 1810, to draft resolutions approbatory of Harrison's conduct in securing "the settlement from impending danger."

McClure married Martha Baird by whom he had ten children. He died December 27, 1825, and is buried in Upper Indiana Church Cemetery where his mother and brothers are also buried.

Genealogy of the McClure family in Knox County, Indiana, Book of Genealogical Research, edited by the Francis Vigo Chapter, D.A.R., Genealogy Division, Indiana State Library; *Roster of Soldiers and Patriots of the American Revolution Buried in Indiana,* 266; Territorial *Executive Journal,* 125, 162; Carter (ed.), *Territorial Papers,* 8:80, 90.

WILLIAM MCFARLAND. Of William McFarland very little is known. He was living at Lexington, Indiana Territory, by 1810, for on December 18 of that year he was appointed a judge of the court of common pleas for Jefferson County. He resigned as judge and was succeeded by Williamson Dunn on May 22, 1811. On March 7, 1811, he was appointed lieutenant colonel in the Jefferson County militia, and on December 28, 1811, became a full colonel. During 1812-13 he served as commandant of companies of the Sixth Regiment called into Federal service. He served as the first representative in the territorial legislature for Jefferson County in the sessions of 1811 and 1813. He resigned from the Assembly some time prior to September 18, 1813, a date on which a call for an election was made to choose his successor. He was interested in having the capital moved to Madison, but, of course, failed in this object.

McFarland seems to have been enterprising, but not too high principled. He was attacked bitterly in the pages of the Madison *Indiana Republican,* and in return furiously denied the accusations. The accusations ranged from his refusal to take the field during the War of 1812, through duplicity in running for the Jefferson County clerkship in 1817, to shady financial manipulations in connection with the Lexington Bank and the Indiana Exporting Company. An editorial note in the Madison *Indiana Republican,* May 17, 1817, stated: "We are informed (on the 9th inst.) Gen'l [William] M'Farland, rev. E. M'Daniel and T. M'Farland esq. and others have removed from this county." This is the last record found relating to him.

Territorial *Executive Journal,* 168, 171, 173, 179, 202; Muster, Pay and Receipt Rolls, War of 1812, pp. 584, 589, 592, 595, 598, 632; Madison *Indiana Republican,* January-May, 1817.

SOLOMON MANWARING (born 1771) emigrated to Dearborn County in 1803 from Delaware. He died in Logan Township in February, 1836, aged sixty-five years. His service in the Legislative Council ran from 1809 (Rump Session) through the third and fourth Assemblies. He was also a councilor during the second session of the fifth Assembly. On December 14, 1810, he was appointed judge of the court of common pleas, vice Benjamin Chambers. On January 6, 1814, he became third judge of the circuit court of Dearborn County. He served as a member of the Constitutional Convention of 1816. Under the state government he served for fourteen years as associate judge of Dearborn County, being commissioned on February 14, 1817, and August 20, 1823, for terms of seven years. As a surveyor, he laid out the towns of Brookville and New Trenton in Franklin County.

Manwaring is described in a county history sketch as hospitable, charitable, kind, punctual, honest, sincere. Politically he lined up with the pro-Jennings forces. The close relation existing between him and Jennings is evidenced in a letter Jennings wrote to him from Washington on January 22, 1811, in which Jennings shows his antipathy to Harrison, his eagerness to injure Harrison politically, and the steps he is taking to win his ends. "I have received depositions and certificates with charges against Harrison," wrote Jennings, "and have shown them to several members of Congress and they all tell I am bound to give them their usual course and declare he ought to be out of office— His political career is ended—"

History of Dearborn, Ohio, and Switzerland Counties, 227, 228, 533, 822-23; Carter (ed.), *Territorial Papers,* 7:653-54; Territorial *Executive Journal,* 167, 205; August J. Reifel, *History of Franklin County Indiana* . . . (Indianapolis, 1915), 131, 553.

PIERRE MENARD. See Philbrick (ed.), *Laws, 1801-9,* pp. ccli-cclii.

JOHN MESSINGER. See *Ibid.,* ccl-ccli.

ISAAC MONTGOMERY was born in Virginia on October 25, 1776, the grandson of Hugh Montgomery who came to Virginia from Ireland, and the son of Thomas Montgomery. When Isaac was eight years old the family moved to Kentucky where he lived for twenty years. In 1805 he came to Indiana. While in Kentucky he had married Martha Maclure, by whom he had a large family. He was a farmer, and the family settled on land near the present site of Princeton. Here he built what is said to have been the first horse gristmill in the bounds of Gibson County.

Montgomery was a tall, handsome, well-built man, highly esteemed by his neighbors. On February 9, 1810, he was appointed a justice of the peace for Knox County. On April 1, 1813, upon the organization of

Gibson County, he was appointed a judge of the common pleas. In 1813 he was elected to the territorial House of Representatives to succeed Robert M. Evans, resigned.

Isaac Montgomery was noted for his physical strength and good marksmanship. He served in the ranger service in 1807, and was a lieutenant in Capt. William Hargrove's company of infantry at the Battle of Tippecanoe.

During the territorial period Montgomery favored the pro-Harrison faction, and later became a Whig, supporting Harrison's campaign for the presidency ardently. He served in the state Senate from 1817 until 1820, and from 1823 until 1828, and in the House of Representatives in the 1840-41 session. He also served for a few months as an associate judge in Gibson County in 1817. On September 8, 1830, he was commissioned probate judge, but resigned this office two years later.

Stormont, *History of Gibson County,* 40, 47-48; Territorial *Executive Journal,* 158, 177, 192; Indianapolis *Gazette,* March 1, 1825; Pirtle, *Battle of Tippecanoe,* 117; Cockrum, *Pioneer History of Indiana,* 523-25.

DAVID MOUNT was born in New Jersey February 2, 1778. He came from his home near Pennington to Indiana Territory in 1811, and on October 21, 1811, entered land in Metamora Township, Franklin County. He acquired other tracts of land in the county and soon became a man of force and good influence in his community.

During the Indian troubles accompanying the War of 1812 he built a blockhouse known as Mount's Blockhouse, which served as a place of refuge for the neighborhood. He also built factories and a gristmill, sawmill, and carding and fulling mills in the Whitewater Valley, which served the people of the Valley and brought Mount financial success. However, he suffered reverses when the Whitewater Canal drew off some of his water power and the flood of 1847 wrecked some of his equipment.

Mount, along with William Holland, platted the town of Metamora in 1838, where he conducted a small store. He was interested in the organization of the county agricultural society, founded in 1834, and served as its first president. He also served as a member of the first board of trustees of Franklin County Seminary.

Mount was elected to the territorial House of Representatives in 1815 to succeed James Noble who had been elected to the Council. He also served as a member of the first session of the state House of Representatives, and was a member of the state Senate from 1837 to 1843. He was commissioned an associate judge in 1822 to fill a vacancy, and recommissioned in 1823 and 1830. He died on May 18, 1850.

Reifel, *History of Franklin County,* 187-88, 189, 264, 376; *Executive Proceedings, 1816-36,* pp. 206, 261, 439; Brookville *Indiana American,* May 24, 1850.

JAMES NOBLE, son of Thomas Noble, was born near Berryville, Clarke County, Virginia, December 16, 1785. Near the close of the eighteenth century his father took the family to Kentucky. At seventeen James Noble married Mary Lindsay, of Newport, Kentucky. After finishing his legal studies he moved to Brookville in Indiana Territory.

The bar of eastern Indiana at this time was distinguished by many able advocates, "but," says Woollen, "as a speaker upon the hustings and as a jury lawyer he [Noble] excelled them all. Some of them were better judges of the law, and stronger before the court, but none equaled him in swaying the masses upon the stump and influencing juries in the box." He served as prosecuting attorney for Wayne, Franklin, and Switzerland counties during the territorial period. On May 25, 1815, he was commissioned judge of the third circuit.

Noble served as clerk of the Legislative Council in 1809 and of the House of Representatives in 1810 and 1813. He was a member of the House in the 1813-14 session and the special and regular sessions of 1814. In 1815 he served as a member of the Council from Franklin and Wayne. He acted as chairman of a meeting of the militia officers holding seats in the legislature which drafted resolutions in favor of Harrison following his defeat at the River Raisin.

Noble was commissioned a lieutenant colonel in the Seventh Regiment of Indiana militia on April 22, 1811, and a full colonel on April 17, 1812, and recommissioned March 7, 1816. He was a member of the Constitutional Convention in 1816 and was elected as a member of the first state legislature. This first Assembly elected him and Waller Taylor as the first two United States Senators from Indiana. He continued in the Senate until his death on February 26, 1831.

Woollen, *Sketches,* 178-84; Territorial *Executive Journal,* 167, 172, 184, 221, 230, 238, 242; *Biographical Directory of the American Congress,* 1360.

EPHRAIM OVERMAN, a Quaker and a millwright by trade, served in the territorial Assembly as representative from Dearborn in the Rump Session in 1809 and in the first session of the third Assembly in 1810. In 1814 he sold his land and moved his family into what later became Greensfork Township, Randolph County, where they lived for some time in a rude camp while the land was cleared and a home built. Overman served as representative in the first Assembly of the state. He is said to have chosen the name for Randolph County after Randolph County, North Carolina. He married Rachel Small, by whom he had five sons—Jesse, Eli, Ephraim, Silas, and Reuben. No birth or death dates have been found for him. One account says he died at the age of seventy-five.

The following is taken from a sketch of Ephraim Overman, son of Isaac Overman, by Henry Hoover. He was "a man over the medium size quite oppulent, and square built. He emigrated from Perquimans to Randolph [County, North Carolina], thence to Grayson County, Virginia, and in 1808 landed with his family . . . [in the Whitewater Valley near

Richmond, Indiana.] He was a poor man, borrowed the eight dollars to enter his land, but by industry paid for it. He was a considerable reader, and quite a considerable talker, and generally to the purpose."

Henry Hoover, Memorandum written for Charles F. Coffin c. 1855. Typewritten copy in Indiana Historical Society Library of original in the Coffin Papers in the Earlham College Library; biographical file, English Collection, Indiana Historical Society Library; E. Tucker, *History of Randolph County, Indiana* (Chicago: A. L. Kingman, 1882), 36, 367; Henry C. Fox (ed.), *Memoirs of Wayne County and the City of Richmond, Indiana* . . . (2 vols. Madison, Wis., 1912), 1:60; John L. Smith and Lee L. Driver, *Past and Present of Randolph County Indiana* . . . (Indianapolis, 1914), 926, 927.

BENJAMIN PARKE, says Jacob P. Dunn, was "one of the purest and most useful men that ever entered public life in Indiana." His versatility proved him valuable to the frontier territory and state as lawyer, soldier, and one interested in the promotion of education.[1]

Parke was born in New Jersey on September 2, 1777. He lived his youth on a farm. As a young man he came out to Lexington, Kentucky, where he counted among his friends Henry Clay and James and Samuel Brown, all of whom distinguished themselves as statesmen. Parke studied law in James Brown's office.

At the opening of the March term of the General Court of Indiana Territory in 1802 Parke appeared and took the proper oaths to practice law in the territory. On May 26, 1802, he was granted a license by Governor Harrison to practice law in the territorial courts.[2] He became a good friend of Harrison; the two ever regarded each other with respect and trust. As early as 1803 Parke visited Washington bearing a letter from Harrison to President Jefferson.[3] In 1804 he applied for the position as receiver of the land office at Vincennes. James J. Wilson, senator from New Jersey, recommended him to the President: "Mr. Parke was born and educated in the neighborhood of this place, where he is much esteemed for his genius, industry, and rectitude." Others vouched for his "true genuine Republican principles," and Parke himself wrote to the President, denying a rumor that he was a Federalist: " . . . from the candour with which I have invariably expressed my sentiments, I suppose, I would sooner have been suspected for the commission of all the vices of the present profligate and depraved age, than for being a federalist."[4] He did not receive the appointment, however; it fell to Nathaniel Ewing.

Parke's close affiliation with and support of the Harrison administration brought an attack on him by William McIntosh, territorial treasurer and opposer of the advance into second grade of government, through the pages of the *Indiana Gazette.* McIntosh, under the name of "Freeholder" accused him of being Harrison's political "knight errant" in Washington, his expenses being paid by too generous citizens of the Territory. Parke replied to the attack, and formally challenged McIntosh

whom he boldly labeled "a filcherer, pilferer, a thief." McIntosh did not accept the challenge and the matter ended with an exchange of letters in the *Gazette*.[5]

On August 4, 1804, Harrison appointed Parke attorney general for the Territory. One of his first duties was the prosecution of the case against Robert Slaughter indicted for the murder of Joshua Harbin on April 27, 1798. To Slaughter's plea that the case did not fall within the jurisdiction of the court since it was committed within the Indian country, that is, on land not yet ceded by the Indians to the United States, Parke pleaded that the crime "was within the limits of the United States and proper & legal jurisdiction" of the court. Slaughter then withdrew his plea and pleaded not guilty. He was convicted and sentenced to death.[6]

Parke's service as attorney general was declared to have been "to the entire Satisfaction . . . of the Government and the Citizens."[7] He resigned upon his appointment as judge of the General Court in 1808.

Parke was elected to the First General Assembly of the Territory and was elected by that body the territorial delegate to Congress. He had a glowing recommendaion to President Jefferson from Harrison: "I beg leave to recommend him to you," wrote the Governor, "as a man of the most unblemished Morals & of the purest Republican principles Having understood that Mr Parke had been reported to you as a violent Federalist I must take the liberty to observe that nothing can be further from the truth."[8] He was succeeded as a delegate to Congress by Jesse B. Thomas upon his appointment as judge of the General Court of Indiana Territory. This appointment was confirmed April 21, 1808. He succeeded Thomas T. Davis, deceased. He was recommended for this position by citizens of Knox and Randolph counties because of his acquaintance with laws and customs of the Territory and his great integrity and firmness.[9] He continued as judge until the organization of the state government.

Parke also served as judge of the territorial court of chancery from June 14, 1813, to October 1, 1814.[10]

As we have said, Parke was a Harrison man. He supported the advance into the second grade, and while in Congress supported memorials from the Territory praying suspension of the sixth article of the Ordinance (the article prohibiting slavery) for ten years, and opposing a division of the Territory advocated by citizens of the counties of St. Clair and Randolph.[11]

In 1805 he was commissioned a captain in the militia by Harrison, who placed "special trust and confidence" in Parke's "patriotism courage and good conduct." He proved himself worthy of this trust during his services in the Battle of Tippecanoe where he served as captain in the dragoons. On September 16, 1812, he was appointed aide-de-camp to the Governor. The next year he was commissioned a major of a squadron of horse; in 1815 he became aide-de-camp to the Governor with the rank of colonel and in 1818 he was made a captain in the cavalry.[12]

Parke was closely associated with Indian affairs; his name appears as witness to treaties signed with the Indians in 1803, 1804, 1805, 1809, and 1818. At the 1805 treaty he was secretary to Harrison, the commis-

sioner. In 1816 he was specially authorized by the President to negotiate a treaty with the Wea and Kickapoo which acknowledged certain cessions of land to the United States. In 1818 he, along with Jonathan Jennings and Lewis Cass, was commissioner at the Treaty of St. Marys.[13]

Parke was a member of the first Constitutional Convention, probably the ablest of this body of men.[14] He was elected presiding judge of the First Circuit by the first General Assembly of the state, but did not accept. A few days later he received an appointment as United States district judge for Indiana. He held this position until his death.

Parke was the moving spirit behind the founding and promotion of the Vincennes Library (1806) and of the law library now in Indianapolis. A self-educated man, he was widely read and appreciated the value of good books. He was the first president of the Indiana Historical Society, and member of the first Board of Trustees of Vincennes University.

Parke suffered serious financial difficulties with the collapse of the Vincennes State Bank. He was president of the Steam Mill Company at Vincennes, a private bank of issue which was closely involved with the State Bank. Upon the bank's failure Parke felt obligated to turn over his fortune to help clear the debts of the company. Others did not feel the same responsibility and sought means to save their own necks. But Parke's state of mind is shown in the following letter to Samuel C. Vance (December 20, 1822) who too was suffering from financial stress:[15] " . . . in one of her [Dame Fortune's] freaks, she has given me a brush in my circumstances, seemed to render a change of residence rather desirable, and without knife, fork or spoon, a bed or blanket, I came to this place [Salem, Indiana]—where I am endeavouring to accommodate my tastes to my money—I shall succeed and am content. . . ." That Parke did not suffer any loss in the people's estimation in the banking affairs is proof of the high regard in which he was always held. He continued to live in Salem until his death.

Parke was a tall man, nearly six feet, of dignified appearance. He was a simple person; he hated arrogance and pride. He was never a member of any church, though he seemed to derive satisfaction from attending meetings of the Friends. He married in Lexington, Kentucky, Elizabeth Barton, by whom he had two children, both of whom preceded him in death. Benjamin Parke died in Salem on July 12, 1835.

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[1] For sketches of Parke see *Dictionary of American Biography,* 14: 209-10; Woollen, *Sketches,* 384-90; Dunn, *Indiana,* index. [2] Order Book of the General Court of Indiana Territory, 1801-10, p. 22; Territorial *Executive Journal,* 109. [3] Carter (ed.), *Territorial Papers,* 7:93, 145. [4] *Ibid.,* 7:193-94. [5] Vincennes *Indiana Gazette,* August 7, 14, 21, September 18, 25, 1804. [6] Territorial *Executive Journal,* 124; Vincennes *Indiana Gazette,* October 16, 23, 1804. [7] Recommendation by citizens of Vincennes and vicinity as judge of the General Court, in Carter (ed.), *Territorial Papers,* 7; 494-95. [8] *Ibid.,* 7:313. [9] U. S. Senate *Executive Journal,* 1805-15, p. 81; Carter (ed.), *Territorial Papers,* 7:494-95. [10] Territorial *Executive Journal,* 198; Ewbank and Riker (eds.), *Laws, 1809-16,* p. 820.

[11] Dunn, *Slavery Petitions and Papers,* 494-97, 509-10. [12] Territorial *Executive Journal,* 129, 164, 196, 203, 231, 238; Esarey (ed.), *Messages and Letters,* 1:168-69. [13] See Kappler (ed.), *Indian Affairs, Laws and Treaties,* 2: *passim.* [14] See W. W. Thornton, "Constitutional Convention of 1816," in State Bar Association of Indiana, *Annual Report,* 1912 (Indianapolis, 1912), 122-23. [15] In Vance Collection, Indiana Historical Society Library.

JOHN PAUL, proprietor of the town of Madison, Indiana, fought under George Rogers Clark in the conquest of the Old Northwest. He was born in Germantown, Pennsylvania, on November 12, 1758. The family moved to Red Stone Old Fort in western Pennsylvania in 1766 and to Hardin County, Kentucky, in 1781. In 1795 John Paul married Sarah T. Grover at Danville, Kentucky. They had four children, the eldest of whom, Ann Parker Paul, married William Hendricks.

Paul served as the first clerk of Hardin County and upon his removal to Hamilton County, Ohio, in 1800, he served there as clerk and as a member of the Ohio Constitutional Convention in 1802. He was an enterprising and prosperous businessman, strong, tall, and handsome, and highly respected and esteemed. He was proprietor and laid out the town of Xenia, Ohio, in 1803 and served as clerk of the newly created Greene County of which Xenia was the county seat. In 1807 he purchased land at the site of New Albany, Indiana; however, upon personally viewing the location and not being too pleased he sold it and the following year purchased the land on which he laid out Madison. Here he built his home and lived the rest of his life.

Paul served in the territorial Assembly in 1810, and voted with the antislavery group to repeal the indenture law. He succeeded in getting a bill passed organizing Jefferson County with Madison as the county seat and in December was commissioned clerk and recorder of the new county. He also hoped to make Madison the territorial capital but that honor went to Corydon instead. After the admission of Indiana into the Union, Paul was elected to the state Senate from Jefferson and Switzerland counties and was chosen president of that body. He served in the Senate until 1819. His business interests included operation of a grist- and sawmill which he built in 1813 and the presidency of the Farmers' and Mechanics' Bank established at Madison in 1814.

English, *Conquest of the Northwest,* 2:941-44; Territorial *Executive Journal,* 167, 168, 205, 220; Woollen, *Sketches,* 179; Blanche G. Garber, "Colonel John Paul, Hoosier Pioneer," in *Indiana Magazine of History,* 13(1917):129-45; Paul to Samuel Manwaring, January 9 and September 5, 1811, in Esarey (ed.), *Messages and Letters,* 1:500-1, 567-68.

DENNIS PENNINGTON was born in Virginia in 1776, probably on May 18, in Cumberland County. However, one source gives his birth date as May 19, and his place of birth as Mecklenburg County, and

another says that he was born in Hanover County. His father was Edward Pennington, who reared six children, five sons and one daughter.

Dennis Pennington came out to Kentucky with Henry Clay about 1797, where he farmed and taught school. On August 4, 1800, he married Elizabeth English, who only a few months before had been released from Indian captivity in which she had been held for about nine years.

Pennington probably moved to Indiana Territory in 1804, though one account says he came as early as 1801. He first settled at the forks of Indian Creek where Corydon was later laid out. Later he moved to "the Barrens" northwest of Corydon on the Buffalo Trace, where he built a cabin which was also used as a Methodist Chapel and came to be known as Pennington Chapel.

Pennington received three commissions as justice of the peace under the territorial regime—on July 10, 1807, for Clark County, before Harrison County was formed; and November 3, 1808, and January 15, 1814, for Harrison County. Pennington became strongly antislavery in territorial politics, and when national party alignments were drawn he was a strong Clay Whig. In 1807 he was a speaker at the Clark County convention which drew up a memorial in opposition to the proslavery memorial of the territorial Assembly. He carried on his antislavery work as a member of the Assembly during the 1810 session. Both he and William Hoggatt claimed the Harrison County seat in the House in 1811, and the decision of the House was that neither of them was entitled to it. However, he was elected in 1812, and served through the remainder of the territorial period.

Pennington was contractor for building the Corydon courthouse and active in the movement which transferred the capital from Vincennes to Corydon. He continued to preach his antislavery doctrine as enumerator of the census in 1815. Tradition has it that it was he and not the chills and malaria that drove proslavery Governor Thomas Posey out of Corydon to seek refuge in Jeffersonville.

Pennington was a member of the Constitutional Convention of 1816. His legislative service under the state is impressive—thirteen years as a senator and five as representative. Oliver H. Smith, who observed Pennington in the legislature in 1822, described him as plain, honest, firm, direct, open, frank. His mind was of fair order, well stored with facts. As a speaker he was strong, without any pretense to eloquence.

In 1822 Pennington was a candidate for lieutenant governor, but withdrew before the election in which Ratliff Boon was victorious. Pennington served as sheriff of Harrison County following the death of William Gresham in 1834. Pennington died on September 2, 1854.

Indianapolis *Gazette,* March 1, 1825; Gresham, *Life of Walter Q. Gresham,* index; John W. Ray, "A Recollection of Dennis Pennington," in *Indiana Magazine of History,* 3(1907):26-28; Ancestral Paper on Dennis Pennington, compiled and written by Mrs. Wilma Eaton Gleitz, typewritten MS. in reference file, Indiana Historical Bureau; Indiana Biographical Series, clippings from Indiana newspapers in Indiana Divi-

sion, Indiana State Library, 1:96-97, 112; Smith, *Trials and Sketches,* 394; Esarey (ed.), *Messages and Letters,* 3:145n; Territorial *Executive Journal,* 141, 150, 207; *Executive Proceedings, 1816-36,* pp. 458, 459.

WILLIAM POLKE, son of Capt. Charles and Delilah Taylor Polke, was born on September 17, 1795,[1] in what is now West Virginia, on the Ohio some distance above Wheeling. Five years later the father moved the family down the river and settled near Linn's Station about twelve miles from Louisville. The neighborhood was terrorized by Indian bands, and in the fall of 1782 Delilah Polke and her four children were taken captive. They were marched to Detroit where Mrs. Polke was released to Colonel De Peyster, the British commandant. Here she passed the winter, waiting for her children to be returned to her. Finally in July the British secured their release, and in October, when Captain Polke reached Detroit, the family was reunited. Following a long and wearing journey they got back to their home in Kentucky on December 24, 1783.[2]

William Polke grew up in Kentucky, fought under Wayne at Fallen Timbers, and helped build Fort Wayne.[3] Polke may have been married twice. The records are not clear. If he was, his first wife was Sarah Ashby, of Kentucky. On December 28, 1797, he was married to Sally Cooper, in Nelson County, Kentucky. They had several children.[4]

In 1806 or 1807 Polke moved to Knox County, Indiana Territory. On November 28, 1808, he was commissioned a justice of the peace.[5] Two years later Harrison was recommending him as surveyor to Jared Mansfield, U. S. surveyor general.[6] During the Battle of Tippecanoe he served as clerk to Capt. Toussaint Dubois commanding a company of spies.[7] On December 16, 1815, he was commissioned an associate judge of Knox County, and probably served through August, 1816.[8] He served in the territorial House of Representatives in the 1814 and 1815 sessions, and was a member of the 1816 Constitutional Convention.

On February 6, 1823, Polke was commissioned an associate judge of Knox County, and served until the following December. He served as probate judge from August 13, 1829, until his resignation on April 16, 1831.[9]

Polke was a Baptist and interested in the missionary activities of his brother-in-law, Isaac McCoy. During 1824 and 1825 he was associated with McCoy's Carey Mission in Michigan as a teacher among the Ottawa. He also served as clerk of the Maria Creek Baptist Church in Knox County from the time of its organization in 1809 until his removal to Vincennes in 1829, with the exception of the two years he was with the mission.[10]

By an act passed by the Indiana General Assembly in 1831 Polke was made sole commissioner of the Michigan Road lands, and ordered to complete the selecting, surveying, marking, and numbering the said lands.[11] In order to carry out this task he moved his family from Knox County to a location on the Tippecanoe River within the bounds of Fulton and Marshall counties. Here he lived until 1841.[12] In 1834 he joined with James Blair and John Sering in laying out the town of

Plymouth.[13] In 1838 he was appointed conductor of the last band of emigrating Potawatomi and superintended their march to their homes across the Mississippi.[14]

In 1841 Polke was appointed register of the Land Office at Fort Wayne by his old friend William Henry Harrison.[15] He died on April 26, 1843, and was buried on his farm in Marshall County.[16]

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[1] Obituary notice from Fort Wayne *Times,* n.d., in English Collection, biographical file, University of Chicago Library. [2] Logan D. Esarey (ed.), "Indian Captives in Early Indiana," in *Indiana Magazine of History,* 9(1913):95-109. [3] Bert J. Griswold, *Pictorial History of Fort Wayne, Indiana . . .* (Chicago, 1917), 355. [4] [William Harrison Polk] *Polk Family and Kinsmen* (Louisville, n. d.), 391-92; Nelson County Marriage Records, in Kentucky State Historical *Register,* 20(1922):273. [5] Territorial *Executive Journal,* 150. [6] Carter (ed.), *Territorial Papers,* 7:709, 710, 8:57-58. [7] See his report on the battle in Esarey (ed.), *Messages and Letters,* 1:715-17. [8] Territorial *Executive Journal,* 238, 250. [9] Riker (ed.), *Executive Proceedings, 1816-36,* pp. 250, 493, 494n. [10] Ben. F. Keith, *History of Maria Creek Church . . .* (Vincennes, 1889), 68, 69-70. [11] *Laws of Indiana,* 1830-31, p. 116. [12] A. L. Kingman, *Combination Atlas of Fulton County, Indiana . . .* (n.p. 1883), 9. [13] Daniel McDonald, *Twentieth Century History of Marshall County, Indiana* (2 vols. Chicago, 1908), 1:100-1. [14] Robertson and Riker (eds.), *John Tipton Papers,* 3:index. [15] Griswold, *op. cit.,* 355. [16] Vincennes *Saturday Gazette,* May 13, 1843; McDonald, *op. cit.,* 1:188.

William Prince was born in 1772 and emigrated to Vincennes before 1800.[1] Here he studied law and embarked on his career of public service. On July 28, 1800, he was commissioned the first sheriff of Knox County. His bond for $4,000 is signed by Ephraim Jordan, Jeremiah Claypool, Joseph Baird, and Robert Buntin. Witnesses were Henry Hurst and Thomas Coulter. The appointment following so soon upon his arrival in the community indicates the confidence that he inspired in his fellow citizens. He served as sheriff until September 22, 1804, when he was succeeded by Daniel Sullivan. The office was not without its challenges, for at the September term of the General Court one John Allen was fined $3.00 and costs for an assault upon William Prince, sheriff.[2]

On September 24, 1805, he was commissioned a justice of the peace of Knox County. On April 13, 1810, he became territorial auditor, succeeding Peter Jones. His bond for this office was signed by Peter Jones, General W. Johnston, and Henry Hurst. He held the office until January 20, 1813, when Johnston took over briefly, then Prince was commissioned again, on February 8, 1813. He was succeeded by Davis Floyd on June 15, 1813. He relinquished the office with the understanding that Floyd would be his successor.[3] These two men were drawn together by their association with Aaron Burr and the criticism that fell on them as a result. On August 7, 1813, Prince was commissioned prosecuting attorney for Knox County, on November 6, for Gibson County, and on

June 24, 1814, for Warrick. He also served as postmaster at Vincennes in 1803 and in 1812 and 1813.[4]

Prince was a good friend and loyal supporter of Governor Harrison. In political affairs he was lined up with the pro-Harrison faction. He was opposed to a division of the Territory. In 1811 he signed a memorial and deposition supporting Harrison when charges of various sorts were brought against him by his political opponents. In 1810 he served as secretary of the meeting of Knox County citizens which endorsed a series of resolutions stating their approbation of and confidence in Harrison's conduct in relation to the threatening Indians.[5]

In 1806 Prince served as special emissary for Harrison to the Delawares and other tribes. He was to enforce upon them the belief that the United States was desirous to preserve a friendly intercourse with them. He was also to dwell upon the great strength of the militia that could be called up to meet them in case of hostilities.[6]

Prince unfortunately got entangled with the Burr conspiracy, though probably not to quite the extent that Davis Floyd did. During the campaign for election to the Legislative Council in 1809 Prince wrote a letter to the *Western Sun* giving an account of his part in the affair.[7] He stated that he was approached by a representative of Burr in 1806 inviting him to engage in his enterprise against the Spanish province of Mexico. He was told that the United States would shortly be at war with Spain and that Burr was authorized by the government to prepare an expedition against her possessions. Before Prince committed himself he spoke to Harrison and related to him what he had been told. It was at this time that Harrison wrote to the President to ascertain what authority if any Burr had for such undertakings. Later Prince conferred with Burr who reassured him and also to Judge Thomas T. Davis who, said Prince, stated that he had seen a letter from the Secretary of War declaring the President's approbation of Burr's projected expedition. Burr, at Prince's request, wrote to Harrison assuring him he had "no design to attempt a separation of the Union." Prince still hesitated and had not actually joined in the undertaking when the charges of treason were brought against Burr. The truth of his statements were certified to by Judge Waller Taylor who had acted as an intermediary when Prince first approached Harrison on the subject.

Even this slight connection with the nebulous plot caused him trouble. In 1810 a group of anti-Harrison men headed by Dr. Elias McNamee sent a petition to the territorial Assembly in which they stated that the citizens of the Territory were being accused of abetting attempts to overthrow the government and they demanded an investigation by the Assembly to determine whether or not any Burrite had been elected to public office or appointed to a position of trust in the government of the Territory. "On entering into political existance and becoming a member of the Union; as shortly we must do," ran the petition," it is highly necessary that we should take with us as a people a character unstained with treason and not even suspected," the petition concluded. The petitioners, while they did not name Prince, had him in mind, for he had been a member of the Council the preceding session.

The report of the House committee to whom the petition was referred, was made by General Washington Johnston following a hearing attended by Prince and McNamee. It stated openly that McNamee and his cohorts had failed completely to establish the criminality complained of in the petition and thereby attach infamy to Mr. Prince as an individual or as an officer of this Territory, "wherefore," it continued, "the Petition seems to your Committee to be rather *soiled* with a spirit of *vindictiveness,* than *gilded* with that of patriotism." It concluded that the conduct of Prince so far as concerned the Burr affair "was that of a man firmly attached to the Constitution & Laws of his Country and deserved encomium instead of obliquy. . . ."[8]

Prince was commissioned a captain in the First Regiment of the Indiana militia on October 24, 1806. In March, 1808, he resigned. In the Battle of Tippecanoe he was a member of Major Benjamin Parke's troop of light dragoons with the rank of sergeant-major, and he joined the Army of the Northwest under Harrison during the War of 1812. Upon Harrison's recommendation Prince's name was presented to the Senate on March 9, 1812, for a captaincy in the military force raised in Indiana, in compliance with an act of January 11, 1812. He was rejected, probably through the efforts of Jennings, and perhaps because of his alleged participation in the Burr affair. On October 27, 1812, Harrison wrote to John Gibson, acting governor of the Territory, saying that Prince had been appointed brigade major in the army, but had no rank in the line and requested Gibson to send his commission in the militia. Gibson complied, the commission issuing on November 16. On April 14, 1814, Prince was commissioned captain of a squadron of cavalry.[9]

Around 1811 and 1812 Prince made some improvement on the land where the town of Princeton is located. In 1813 Gibson County was organized and Prince, Robert Elliott, William Westfall, and William Polke were chosen to select the county seat site. They decided upon this improved location. The privilege of naming the town was decided by lot, and Prince, being the winner, chose the name Princeton. The new town became his home and he served the new county in various capacities—as county treasurer, county agent, trustee of Princeton Academy. He was chosen senator from Gibson County in the first General Assembly of the new state, 1816-17. He also served in the House in the 1821-22 session.[10]

On December 30, 1816, William Polke, Samuel Connor, Daniel Grass, Isaac Blackford, Walter Wilson, Daniel Lynn, and John Johnson (a rather impressive list of names) recommended Prince to Governor Jennings for presiding judge of the First Circuit, vice Benjamin Parke, resigned. The appointment was made by the Governor on February 8, 1817, to fill out Parke's term and Prince was recommissioned January 28, 1818, upon election to the office by the General Assembly. As circuit judge Prince has been described as showing ability and was honored and respected. As one candid writer put it, "Judge Prince, as an attorney, is said to have been neither ready nor brilliant, was slow in forming an opinion, but his opinions were from deliberate thought, for which reason a judgeship was his sphere."[11]

Prince resigned as judge upon his appointment as Indian agent at Vincennes on April 20, 1818.[12] As agent he signed treaties with the Potawatomi and Wea concluded at St. Marys on October 2, 1818, and also treaties made with the Kickapoo on August 30, 1819, with the Wea, on August 11, 1820, and again with the Kickapoo on September 5, 1820.[13] Prince resigned as agent June 30, 1821.[14]

On January 11, 1820, by act of the General Assembly, Prince was appointed one of the commissioners to select the site of the new capital of the state. For some reason he failed to meet the commissioners at the appointed place and the selection of the present site of Indianapolis was made without him.

Prince's most spirited political activity came in his campaign against Charles Dewey for representative from the first Congressional district in 1822. Charges were brought against both—Prince for his alleged activities with Burr and Dewey, who came from New England, for his alleged support of the Hartford Convention. Prince was also accused of failing to support the bill for improving the Wabash during the preceding legislative session when he was a member of the House and of defrauding the Indians at an annuity payment in 1820. All three charges he hotly refuted in a handbill and backed up his statements with certificates from General W. Johnston, Benjamin Beckes, and George Ewing.[15]

In the end Prince won. He served only part of his term, from March 4, 1823, until his death September 8, 1824. He was buried in the Old Cemetery at Princeton.[16]

Soon after his arrival in Vincennes Prince had married the young attractive French girl, Thérèse Tremblé. The girl's father reportedly opposed the marriage of his daughter to the young Irishman, but finally gave in to the audacious persistence of the suitor. The following children were born to them: Elizabeth, George, William, Henry, Samuel, and Nancy. Apparently the sons all died without perpetuating the name. Elizabeth married Judge Samuel Hall, of Princeton, and Nancy married Dr. William Stockwell of Princeton.[17]

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[1] *Biographical Directory of the American Congress,* 1433. [2] Territorial *Executive Journal,* 92, 125; copy of bond in English Collection, Indiana Historical Society Library; Order Book of the General Court of Indiana Territory, 1801-10, pp. 38-40. [3] Territorial *Executive Journal,* 129, 159; bond in English Collection; Floyd to Posey, May 25, 1813, in *ibid.* [4] Territorial *Executive Journal,* 199, 203, 215; Carter (ed.), *Territorial Papers,* 7:18. [5] Esarey (ed.), *Messages and Letters,* 1:35; Carter (ed.), *Territorial Papers,* 7:83, 629, 8:80, 81-82, 90-91. [6] Esarey (ed.), *Messages and Letters,* 1:182-84. [7] Vincennes *Western Sun,* April 29, 1809. [8] Carter (ed.), *Territorial Papers,* 8:63-67. [9] Territorial *Executive Journal,* 137, 145, 188, 213; Pirtle, *Battle of Tippecanoe,* 113; Esarey (ed.), *Messages and Letters,* 2:228; U. S. Senate *Executive Journal,* 1805-15, pp. 231-33. [10] Stormont, *History of Gibson County,* 67, 68, 74, 146. [11] Polke, *et al.,* to Jennings, December 30, 1816, in English Collection; *Executive Proceedings, 1816-36,* pp. 25, 62; Stormont, *History of Gibson County,* 183; *History of Pike and Dubois Counties,* 304. [12] U. S. Senate

Executive Journal, 1815-29, pp. 139, 140. [13] Kappler (ed.), *Indian Affairs, Laws and Treaties,* 2: 170, 184, 190, 191. [14] U. S. Senate *Executive Journal,* 1815-29, pp. 307, 310. [15] Vincennes *Western Sun,* July 27, 1822; handbill bound at end of volume 14 of the *Western Sun* in Indiana Division, Indiana State Library. [16] *Ibid.,* September 28, 1824; *Biographical Directory of the American Congress,* 1433. [17] Gil R. Stormont, "Judge William Prince," in *Proceedings of the Southwestern Indiana Historical Society* (Indiana Historical Commission, *Bulletin No. 18,* October, 1923), 119-26; index to parish records of St. Francis Xavier Cathedral, Indiana Historical Bureau.

DAVID ROBB settled on a tract of land about a half mile south of the present site of the village of Hazleton, Gibson County, Indiana, in the year 1800. He was born in Ireland on July 12, 1771, the son of James and Margaret (Barré) Robb. His parents and their older children came to America when David Robb was two years old. He remained in Ireland until 1775 when he was sent across to join his family in Pennsylvania. His father and mother were persons of education and refinement, and it was through their tutoring that David received most of his education.

In 1786 the family moved west to Kentucky and settled near Louisville. While in Kentucky Robb became a famous hunter. Pirtle tells the story that one year he took a boatload of furs down the Ohio to New Orleans. He sailed from there for Philadelphia, but his boat was captured by pirates, and it was only after many adventures that he managed to return to his home.

On March 20, 1800, David Robb married Nancy Eckley, daughter of Joseph and Susan (Ricketts) Eckley, of Jefferson County, Kentucky. Following their marriage they moved to the region that was to become Gibson County, Indiana. After living a few months in a half-face camp they moved into their newly built log house. They had ten children.

Robb participated in the ranger service that was maintained in southern Indiana in 1807. In fact, there was little time in his life when he was not performing some public service. On December 26, 1801, he was commissioned a justice of the peace for Knox County, and on September 24, 1805, he was commissioned a captain in the militia. In 1810 he received the rank of major. At the Battle of Tippecanoe he commanded a company of mounted riflemen.

Robb met Governor Harrison soon after his arrival at Vincennes, and they became warm friends. Robb defended Harrison against accusations from his political enemies, and helped draft the resolution passed by militia officers who were members of the territorial Assembly, following the disaster at the River Raisin. The resolution expressed complete confidence in Harrison's ability as leader of the army and recommended him for a higher command.

On May 25, 1813, Robb was commissioned a justice of the peace of the newly organized Gibson County, and the following January was commissioned county surveyor. He was elected to the territorial House of Representatives in 1812 and served in the 1813 and 1813-14 sessions and

in the special session of the House in 1814. He was a member of the Legislative Council in 1814 and 1815. He was also a member of the Constitutional Convention in 1816.

Robb served four sessions in the state House of Representatives, 1820-21, 1822-23, 1825, 1828-29. He was a member of the state Senate from 1829 until his resignation on April 12, 1833, upon his appointment by Andrew Jackson as register of the La Porte Land Office. After serving four years as register, he returned to Gibson County.

Outside his public service, Robb was an enterprising businessman. In 1814 he established a grist- and sawmill on Robb's Creek, and in time opened a blacksmith and a carpenter shop, and built a small distillery. About 1823 he built a brick residence, the second brick house in the neighborhood.

Robb was a Presbyterian, and the Mount Moriah Church was organized at his home in 1828. He died on April 15, 1844.

MS. biography of David Robb, by Louise Embree, in Historical Bureau; Stormont, *History of Gibson County,* 41-43; Pirtle, *Battle of Tippecanoe,* 48, 115; Territorial *Executive Journal,* 105, 129, 160, 194, 204; Carter (ed.), *Territorial Papers,* 8:77-80, 239; *Executive Proceedings, 1816-36,* pp. 355, 444.

RICHARD RUE was born in Kent County, Maryland, in 1760. He enlisted as a private in the Kentucky militia to serve under George Rogers Clark in his Indian campaigns. In 1781 Rue was sent on an expedition from Louisville to Harrodsburg for provisions. While on the road they were held up by Simon Girty and thirteen Indians and forced to surrender. The leader of the party, Irvin Hinton, was burned at the stake and Rue and a companion, George Holman, were marched through the woods for three days and forced to run the gauntlet, barely escaping with their lives. Preparations were made to burn them on the evening of their arrival at the Indian village, but Holman was adopted as a slave by Chief Logan and Rue was spared by being adopted by the son of his captor. Rue was taken to the Mississinewa and Wabash Indian towns and finally to Detroit. After enduring a captivity of three and a half years he escaped.

In 1805 Rue came to the Whitewater Valley with a party of pioneers from Kentucky who settled just south of the site of Richmond. He lived here until his death in 1844. He was commissioned a justice of the peace on April 11, 1806. He served as representative from Dearborn County in the Rump Session in 1809 and in the first session of the Third Assembly in 1810, and as representative from Wayne County in the second session. The first court held in the newly organized county of Wayne sat at his house on February 25, 1811.

Rue married Elizabeth Holman who died in 1833. They had nine children. Rue is buried in the Elkhorn Cemetery south of Richmond.

Roster of Soldiers and Patriots of the American Revolution Buried in Indiana, 321; Territorial *Executive Journal,* 133; *History of Wayne*

County, Indiana . . . (Chicago, 1884), 1:80-85, 354-55, 403; Young *History of Wayne County,* 27.

JAMES SCOTT was born in Washington County, Pennsylvania, in 1767. He emigrated to Kentucky when he was seventeen and married Eliza Mitchell of Cane Ridge. According to Thomas Worthington, of Ohio, he was well educated and taught classical languages in a seminary in Kentucky. In 1797 he moved into the Northwest Territory and settled on the Scioto. He and Worthington were among the first settlers of this region. Of Scott during this period Worthington wrote, "I think I had a fair opportunity of knowing him for I saw him poor, yet he possessed self respect and the respect of others."

On July 11, 1797, Scott was appointed a justice of the court of quarters sessions in Adams County, and the following year was appointed a justice of the court of common pleas of the newly organized county of Ross. He began reading law sometime after he came to the Ohio region.

By 1810 Scott had moved to Clark County, Indiana, for on December 14 of that year he was appointed prosecuting attorney for the county. On June 14, 1813, he was appointed judge of the court of chancery. He was elected to the territorial House of Representatives in 1812 and served in the 1813 session until February 25, when he resigned upon his appointment as judge of the General Court to succeed Judge Van der Burgh, deceased. He was nominated by President Madison on January 29, and the appointment was confirmed on February 1, 1813.

Scott, along with Elijah Sparks and John Johnson, was recommended for the judgeship by Jennings. He was also recommended by Alexander Campbell, senator from Ohio. But the strongest recommendation came from his old friend, Thomas Worthington, also senator from Ohio, who spoke of his strong mind, good morals, and the respect that he had won at the bar in Indiana Territory. He also pointed out that Scott had held himself aloof from the entanglement of party disputes that were waging in Indiana. This aloofness was attested by the fact that gentlemen of both factions were desirous of his appointment. He held the position through the remainder of the territorial period.

Scott was elected to the Constitutional Convention of 1816 and helped write the sections pertaining to the judiciary. Along with John Johnson and Jesse L. Holman he was commissioned judge of the Supreme Court on December 28, 1816, his appointment by Governor Jennings having been confirmed by the Senate on the 23d. He was reappointed at the expiration of his first term, but in 1830 Governor Ray, offended because Holman and Scott had not supported his senatorial aspirations, refused to reappoint them, and both left the bench the following year. His service as judge was held in high regard, and O. H. Smith rated his opinion on the bench as second to none.

In 1831 Scott announced as candidate for governor on the anti-Masonic ticket, but later withdrew.

Returning to Charlestown, Scott tried to rebuild his law practice, but he was getting old and he had little success. For a short time he

published *The Comet* which carried this statement on its headline: "Ask not what doctor I apply, for sworn to no sect or party am I." He also opened a school for young ladies, which did not prove financially successful. In 1841 he was appointed register of the land office at Jeffersonville, and held this post until removed by President Polk. In 1844 he was awarded the LL.D. degree from Indiana University. He served on the board of trustees of the University from 1841 until 1850.

Following his retirement from the land office, Scott went to live with an adopted daughter near Carlisle, where he died on March 2, 1855, at the age of eighty-seven. He was buried at Carlisle.

Notes in biographical file, English Collection, University of Chicago; Baird, *History of Clark County Indiana,* 283-84; *History of Ohio Falls Cities and Their Counties,* 2:350; Dunn, *Indiana and Indianans,* 2:865-66; Esarey (ed.), *Messages and Letters,* 3:37n; Carter (ed.), *Territorial Papers,* 3:473, 512, 8:178, 182-83, 214-15; Territorial *Executive Journal,* 168, 196; Woollen, *Sketches,* 57; *Executive Proceedings, 1816-36,* p. 23.

JAMES SMITH was born in Orange County, Virginia, on August 14, 1774. He moved to Kentucky, settling at Bryants Station near Lexington, then in 1808 came to Indiana. He settled near the site of Owensville in what later became Gibson County.

He was a member of the Tippecanoe expedition, first as quartermaster. When Capt. Jacob Warrick was fatally wounded, upon the request of the company Smith was made captain and took command of the company. He was commissioned a captain in the territorial militia on February 3, 1812. On December 3, 1811, he was commissioned a justice of the peace. He was elected to the territorial House from Gibson County following its organization and served in the 1814 and 1815 sessions. He was chosen as a delegate to the Constitutional Convention in 1816.

Smith was a man of education and one of the first teachers in the vicinity. By an act of the General Assembly of January 2, 1822, he was appointed along with Alexander Devin (later replaced by John I. Neely) and Walter Wilson as commissioner to superintend the sale of the seminary township in Gibson County. He also served as county school commissioner and as county surveyor.

He died in November, 1855.

Biographical material in English Collection, University of Chicago Library; Tartt, *History of Gibson County, Indiana,* 60, 196; Territorial *Executive Journal,* 178, 179; *Laws of Indiana,* 1821-22, pp. 111-14; *Executive Proceedings, 1816-36,* p. 221n.

JOHN TEMPLETON was born in Ireland in 1766 and came to Charleston, South Carolina. He was a member of the "Carolina colony" that settled on the East Fork of the Whitewater. The settlement included the families

of Hanna, Logan, Templeton, and Leviston. They left the Laurens District of South Carolina in 1803 and came to Hamilton County, Ohio, in 1805, and moved up and settled along the East Fork. John Templeton's land lay first in Dearborn, then in Franklin, and then, when the new county of Union was formed, it fell within its bounds. It lay near the site of Quakertown. Here he lived throughout the rest of his life.

Templeton married a daughter of Robert Hanna, Sr. Politically he became a Democrat; in religion he was a Presbyterian. On April 11, 1806, he was commissioned a justice of the peace in Dearborn County. On December 14, 1810, he was commissioned a judge of the first court of common pleas of the newly organized Franklin County. He represented Dearborn County in the General Assembly in 1810, when the act creating the county of Franklin was passed. It is said that it was he who chose the name for the county. In 1811 he was a member of the House from Franklin. On November 16, 1824, he was elected a justice of the peace for Union, vice David Noble, resigned.

Templeton died on April 30, 1837, and was buried on his Union County farm. The cabin home which he built on this land was restored in 1938 and moved to the courthouse lawn in Liberty.

John F. Templeton to William H. English, English Collection, biographical file, Indiana Historical Society Library; *Atlas of Franklin Co. Indiana . . .* (J. H. Beers & Co., Chicago, 1882), 100, 116; Reifel, *History of Franklin County Indiana,* 159-60; Territorial *Executive Journal,* 132-33, 167; *Executive Proceedings, 1816-36,* p. 621; Liberty *Herald,* December 15, 1938.

JOHN TEST. The date of John Test's birth is unknown. His birthplace was Salem, New Jersey. He grew up in Philadelphia, and following his marriage moved to Wilmington, Delaware. He lived for awhile in Fayette County, Pennsylvania, where he operated the Fayette Chance Furnace at the foot of the Laurel Hill Mountains. His next move was to western Virginia where he undertook to restore an old iron furnace. He met with less success here and sold out, and moved his family by flatboat to Cincinnati. He arrived in that city in 1809 and remained for a year or so. He may be the John Test who in 1811 was erecting a wool-carding machine in Cincinnati "on the Hill" on the south side of the street leading westwardly from the courthouse.[1] If so, he did not stay with this business long.

Some reports have Test moving to the site of Brookville in Franklin County, Indiana, as early as 1810. If this is true, it was another John Test who built the above-mentioned plant in Cincinnati. He must have been at Brookville in 1811 or very early in 1812, where, according to his son, he rented an old log mill which he put into operation immediately. In December, 1812, he and Chilon Foster were seeking permission from the county court of common pleas to erect a mill in section 3, town 11 north, range 13 east, in Franklin County. Permission was granted at the May term, 1813.[2]

In the midst of all this activity John Test found time to study law "on his own hook." After moving to Brookville, his son says, he read his books while the grist was being ground. On April 14, 1812, he was admitted as an attorney to practice before the courts of Franklin County.[3] He and Isaac Blackford, later judge of the Indiana Supreme Court, who moved to Brookville shortly after Test, went to Vincennes together to be examined for permission to practice in the territorial courts. He appeared at the General Court in Corydon at the February, 1815, term, where he was admitted as counselor at law.[4]

Test gave up milling soon afterward to devote his whole time to his profession. He rose rapidly. The Brookville bar boasted such men as James Noble and James Brown Ray at this time, and Test held his own among them. David Wallace, later governor of Indiana, studied law in Test's office. Here he met Esther Test, daughter of John Test, whom he married.

Test's service in the territorial Assembly was as councilor from Franklin and Wayne counties in the first session of the fifth Assembly. On June 12, 1815, Test was commissioned clerk of the Franklin County court vice John R. Beaty, resigned. On December 18, 1816, he became judge of the Third Circuit and served two years.[5]

About 1825 he moved to Lawrenceburg where he and George H. Dunn experimented with a cotton factory, but it was not profitable and they abandoned the idea and Test continued to practice law.[6]

Test served three terms in Congress as representative from the Third District in Indiana. He was elected as a Clay Democrat to the eighteenth, and nineteenth Congresses (March 4, 1823 to March 3, 1827). He was defeated in the race for re-election in 1826 by Oliver H. Smith. He was elected in 1828 to the twenty-first Congress and served from March 4, 1829, to March 3, 1831. He was defeated for re-election in 1830 by Jonathan McCarty a Jacksonian Democrat.

When the presidential election in 1824 was thrown into the House, Test voted for Jackson contrary to his own inclination to vote for Clay. In a letter to the editors of the Lawrenceburg *Indiana Palladium* he said, "The fears of those who distrusted me are dispelled, and the wishes of my friends realized. The Indiana delegation was faithful to the voice of their people—they voted unanimously for Andrew Jackson;—and although we could not succeed in electing him, I am none the less proud of my vote—because it is conformable to the wishes of my constituents. . . . " In an address to his constituents he said, "In the course of the present session I have had to differ with our Western brethren in several instances, especially in my vote for President. My duty to my constituents required me to do so. . . . "[7]

In Congress he was active mainly in matters pertaining to internal improvements, public lands, and the transfer of the Indians across the Mississippi and the extinguishment of the Indian title to land east of that river. In 1832, while acting for a brief time as editor of the Lawrenceburg *Western Statesman,* he wrote, "I have been, and always expect to be, the devoted (perhaps some will say the enthusiastic) advocate of

those great national principles, sound principles of Union, of the American system, and of internal improvements, until maintained."[8]

On February 23, 1832, Test was elected president of the board of directors of the Lawrenceburg and Indianapolis Railroad Company. He contributed a series of articles on railroads and this railroad in particular to the *Statesman,* which were reprinted in the *Palladium* in the spring of 1832.[9]

As a politician and statesman Test was "able and popular." As a lawyer he was "one of the best of the State." O. H. Smith says that his great forte was in sympathetic and persuasive appeal to the jury. He was about five feet ten and a half inches in height. When before the court he dressed precisely, always in a black suit, and with his hair in a queue down to his waist. His manners were simple and easy.[10]

Some time after 1832 he moved to Mobile, Alabama, where he practiced for eight or nine years. He was stricken with paralysis, and returned to Indiana. He died at the home of his daughter Mary, wife of James Rariden, near Cambridge City on October 9, 1849. He had two other children—Esther, wife of David Wallace, and Charles, who was judge of the Third Circuit and secretary of state.[11]

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[1] The *Biographical Directory of the American Congress* gives Test's birth date as February 25, 1802. This is much too late. His son Charles was born July 9, 1802. See "Sketch of John Test by his son Charles Test," in biographical file, English Collection, Indiana Historical Society Library. Cincinnati *Liberty Hall,* July 3, 1811. [2] Franklin County Minute Book of the Court of Common Pleas, 1811-1813, pp. 108, 124. [3] *Ibid.,* 51. [4] See "Sketch of John Test by his son," *op. cit.;* Order Book of the General Court of Indiana Territory, 1811-16, p. 98. [5] Territorial *Executive Journal,* 231; *Executive Proceedings, 1816-36,* p. 22; biographical file, English Collection. [6] Reifel, *History of Franklin County,* 244. [7] Lawrenceburg *Indiana Palladium,* March 4, April 29, 1825. [8] *History of Dearborn, Ohio, and Switzerland Counties,* 198. [9] Lawrenceburg *Indiana Palladium,* March 3, 1832. [10] Smith, *Early Indiana Trials and Sketches,* 86. [11] "Sketch of John Test," in *op. cit.*

JESSE B. THOMAS. See Philbrick (ed.), *Laws, 1801-9,* pp. cclv.

PETER WILKINSON (or WILKERSON), representative from Perry and Posey counties in the 1815 General Assembly, left little or no imprint on the county or state. His residence before coming to Indiana Territory is not known. He was appointed a justice of the peace in Warrick County on June 24, 1814 and the following February was commissioned to the same office in Posey County, the latter having been formed out of Warrick by the 1814 Assembly. On February 8, 1816, Wilkinson applied for letters of administration upon the estate of William McFadden. In March 1817 he pleaded guilty to a charge of assault and battery and was fined $5.00. He apparently left the state sometime before 1820 for his

name does not appear in the census for Indiana that year. He probably is the Peter Wilkerson who is listed as a resident of White County, Illinois, in 1818, White being the county directly west of Posey. His name does not appear in the 1820 census for Illinois.

Territorial *Executive Journal,* 215, 228; Record of Posey County Circuit Court for doing County Business, 1815-16, pp. 2, 87-88; Order Book of Posey County Circuit Court, 1815-19, p. 65; *Illinois Census Returns, 1810, 1818,* edited by Margaret C. Norton (*Illinois Historical Collections,* vol. 24, Springfield, 1935), 196.

WALTER WILSON was born near Harrodsburg, Kentucky, on January 18, 1782. His father, of Scottish descent, came from Virginia to Kentucky with a group of frontiersmen about 1776. He obtained little schooling, but as one of his biographers has said, "his mind was of that eminently practical type which readily compensated for any deficiency in acquisition, by intuitively adapting means to the necessities of the situation."

Walter Wilson came to Knox County, Indiana, with his family while still quite young. His father was killed by Indians near Vincennes in 1787. He married Mary Williams on April 10, 1804. They had seven children. He was a farmer, though throughout his life his time was divided between farming and his civil and military activities. On November 1, 1803, he was commissioned an ensign in the Knox County militia. In 1806 he became a lieutenant, and the next year a captain. On October 28, 1811, at a meeting of the field officers of the territorial militia, Wilson was named to a committee to draft resolutions to be forwarded to the President favoring the reappointment of Harrison as governor of the Territory. The reappointment was urged because of Harrison's military talents and the information he possessed which was necessary in the face of Indian hostility, and also his skill in training the militia units and in inspiring confidence in them.

Harrison employed Wilson as a messenger to the Indians in the precarious days before the Battle of Tippecanoe. In June, 1811, he was dispatched to the Indian towns on the Upper Wabash to inform them that Harrison would not permit them to enter Vincennes or other white settlements in any considerable force, and also to impress them with the potential force of the militia and the auxiliary strength in Kentucky. Wilson was well received and brought back a message from Tecumseh to Harrison, stating his intention to call on Harrison at Vincennes when all would "be settled in peace and happiness." Tecumseh, however, did not heed Harrison's statement that he would not permit a large Indian force to enter Vincennes, and approached the town with a large number of men. On July 25 Wilson, on orders from Harrison, met him at Busseron, twenty miles north of Vincennes, but failed to dissuade him from bringing his forces into the town.

On July 31, Wilson, along with Samuel T. Scott, Alexander Devin, Luke Decker, Ephraim Jordan, Daniel McClure, and Francis Vigo, sent

a petition to President Madison, on behalf of a meeting of the citizens of the Territory, praying that prompt decisive action be taken to break up the Indian menace to the settlements.

Wilson was in the Battle of Tippecanoe and took a leading part in the expedition to the Mississinewa towns in July, 1813, under command of Col. William Russell. He declined his appointment on February 28, 1812, as a first lieutenant in a company of rangers of the United States Army formed in Indiana Territory. However, he held the rank of lieutenant colonel in the Fourth Regiment of Indiana militia called into the service of the Army for the period from September 6 to November 19, 1812, during part of which time he was in command of the troops guarding provisions at Fort Harrison. On January 15, 1816, Wilson's appointment as brigadier general was confirmed by the U. S. Senate.

In civil life Wilson began his activities as a justice of the peace in Knox County, being appointed February 19, 1807. He was a member of the Legislative Council in the second session of the third Assembly and the first and second sessions of the fourth Assembly. Under the State regime he was a member of the first Assembly as representative from Knox County.

Some time within the next few years Wilson moved to Gibson County. He served briefly as an associate judge (commissioned on May 9, 1821 and resigning some time prior to June 7, 1822). In 1819 he held the peculiar office of inspector of beef, pork, and flour of Gibson County. In 1822 he was named a commissioner to superintend the sale of the seminary township of Gibson County. He was a charter member of Warren Lodge of Princeton, organized December 21, 1820. He served as representative to the Assembly from Gibson County for the 1826-27 and 1827-28 sessions.

In 1828 Wilson moved to Cass County, where he purchased the reserve of the half-breed James Burnett, now within the bounds of Logansport. He entered into politics immediately, throwing his support to the group dominated by John Tipton, Indian agent and veteran of Tippecanoe, whose interests lay in public lands and internal improvements. Late in the summer of 1828 he attended the Indian council and treaty at St. Josephs of Lake Michigan. He ran for representative from Carroll and Cass in 1831 and was elected, and in 1832 re-elected. He refused to run in 1833. He ran for the state Senate in 1836 from Cass, Miami, and Fulton counties, but was defeated by G W. Ewing.

Wilson died after a short illness on March 18, 1838, and was buried by members of Tipton Lodge of Logansport with Masonic honors. On hearing of his death General Tipton wrote, "His loss to me is irreparable . . . I have lived long and dealt much with men. I never found a more patriotic Citizen, a braver soldier, nor a more sincere friend, disinterested, of high and noble bearing. To friendly feelings he added that rare quality independence enough to point the errors of those he most esteemed, the latter quality few possess."

In physical appearance Wilson was above medium height, muscular, and of a robust constitution. In manner he was "reserved and positive.

yet courteous, affable, and dignified," and "honest and straight-forward in his dealings with others, faithful to his convictions of right. . . ."

Biographical History of Eminent and Self-Made Men (2 vols. Cincinnati, 1880), 2:10th district: 46-47, Logansport *Herald,* April 5, 1838; Territorial *Executive Journal,* 121, 138-39, 143; Esarey (ed.), *Messages and Letters,* 1:385-87, 525, 529, 532-33, 537, 538-40, 542-43; Carter (ed.), *Territorial Papers,* 8:169; *Executive Proceedings, 1816-36,* pp. 171, 221, 233; Tartt, *History of Gibson County, Indiana,* 80; Stormont, *History of Gibson County, Indiana,* 198; Robertson and Riker (eds.), *John Tipton Papers,* 2:252, 655; 3:581-82.

JOHN WORK will be remembered more for his mechanical and mathematical talents than for his legislative service. He served only in the Rump Session of 1809 of the territorial Assembly, as a representative from Clark County. He was appointed trustee of the town of Charlestown by the Assembly in 1810.

Work came from Pennsylvania to Indiana. One source says he was in the Territory by the close of the eighteenth century and had erected a stone mill on Fourteen Mile Creek by 1800. Other sources say he came in 1804 and settled on that creek. His milling projects were most impressive. At one time he had three flouring mills, four sawmills, a powder mill, and a stone mill in operation, plus a distillery. From 1814 to 1817 he oversaw the building of a tunnel mill which proved his engineering ability. Upon its completion it was pronounced the best mill in the county.

Work was a Presbyterian and donated the land for the Presbyterian church in Charlestown. He died in 1832, and his son John Work, Jr., carried on his milling operations.

History of Ohio Falls Cities and Their Counties, 2:343, 344; Baird, *History of Clark County,* 57, 60, 61, 78, 260; "Early Mills of Clark County," MS. in D. A. R. records, Clark County, Genealogy Division, Indiana State Library.

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